

comply the order of the Appellate Tribunal for SAFEMA, FEMA, PMLA, NDPS & PBPT ACT, NEW DELHI IN MP/PMLA/4772/MUM/2018 (EXEM) EPA/PMLA 2303/MUM/2018, dated 12/06/2019, and release the seized amount of the Petitioner.

(b) The Hon'ble court may be pleased to issue the writ in nature of mandamus directing to the Respondent No.2 to release the seized amount of the Petitioner along with interest @ 18% since the first notice dated 23/07/2019 which has been sent by the Petitioner to Respondent No.2.

3. Learned Counsel for the respondent No.2 – ED opposes the grant of any reliefs. According to Mr. Shirsat, learned Special PP, the petitioner has an alternative efficacious remedy, under Section 35(3) of the PMLA and as such the petition ought not to be entertained.

4. Mr. Shirsat, relied on the affidavit filed by the respondent No.2 in the aforesaid petition, raising a preliminary objection and setting out the procedure and powers of the Appellant Tribunal.

4. Considering, that the petitioner has an alternative efficacious remedy available under Section 35(3) of the PMLA, we do not deem it appropriate to entertain the petition. Accordingly, the petition stands dismissed.

5. Needless to state, that it is open for the petitioner to avail of the alternative remedy, as available to him, under Section 35(3) of the PMLA. We also make it clear, that we have not gone into the merits of the petition and as such all contentions of all parties are kept open.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.

CHAITANYA
ASHOK
JADHAV

Digitally signed
by CHAITANYA
ASHOK JADHAV
Date:
2024.01.10
18:20:25 +0530