

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2396 OF 2023

Shiv Kumar Wadhwa

... Petitioner

Versus

Directorate of Enforcement

...Respondent

Mr. Ameya Deosthale i/b. Stratage Law Partners for the Petitioner.
Mr. Shreeram Shirsat SPP a/w Ms. Tanvi Mate, Mr. Shekhar Mane, Mr.
Nishad Mokashi, Ms. Karishma Rajesh for the Respondent ED .

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 28 February, 2024

P.C.

1. The challenge in this Petition is to an order dated 10th May, 2023 passed by the Adjudicating Authority under the provisions of the Prevention of Money-Laundering Act, 2002 (for short, 'PMLA Act'). We find that the Petitioner was one of the defendant in the proceedings PAO No.16/2022 dated 18th November 2022. Before the Adjudicating Authority, Respondent No.1 contended that he had voluntarily deposited an amount of Rs.55,10,000/- with the Directorate of Enforcement which was the proceeds received by him from Shri Pal Singh and one Neelam Singh in respect of an alleged sale of Petitioner's Commercial Unit No. 16 Super area admeasuring 1020 sq. ft. on 11th Floor in the building named as CentraOne situated at Sector 61, Golf Course Extension Road, Gurugram Haryana. Such a right to receive the said

amount is stated to have accrued to the Petitioner is under an unregistered agreement of sale dated 10th February 2020 as entered with the said person to whom even possession of the land property is stated to be handed over.

2. We find that to challenge to the impugned order passed by the adjudicating authority, there is remedy of an appeal before the Appellate Tribunal as provided under Section 26 of the PMLA Act.

3. Thus, in view of an effective alternate remedy available to the Petitioner, we are not inclined to entertain this Petition filed under Section 226 of the Constitution of India. We accordingly dispose of this Petition relegating the Petitioner to avail an alternative remedy.

4. We observe that as the Petitioner was *bona fide* pursuing the present proceedings, if an Appeal is filed within a period of three weeks from today, let the same be decided by the Appellate Tribunal on its merits and without an objection on limitation.

5. All contention of the parties on any proposed proceeding are expressly kept open.

6. Writ Petition is accordingly disposed of in the above terms. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)