



Judgment

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL APPEAL NO. 44/2024.

M/s. Gorgeous Apparels,
Unit No.111, First Floor Community
Centre Vardhman Chamber-1,
G-block, Vikaspuri West Delhi 110018
through its proprietor Vijay Mohan
Aged about 25 years, r/o. B 181,
Vivekanand Apartments, Sector 8,
Rohni North West Delhi 110085.

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APPELLANT.

VERSUS

1. Deputy Director,
Directorate of Enforcement Mumbai
Zonal Unit-II, Government of India,
Department of Revenue Ministry of
Finance 301 CEEJAY House Dr. Annie
Basant Road Worli Mumbai – 400018.

2. Assistant Director,
Directorate of Enforcement Mumbai
Zonal Unit-II, Government of India,
Department of Revenue Ministry of
Finance 301 CEEJAY House Dr. Annie
Basant Road Worli Mumbai – 400018.

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RESPONDENTS.

Rgd.

Mr. N. Malhotra, with Mr.A.M. Sudame, Advocates
for the Appellant.
Mr. N. Deshpande, D.S.G.I. for Respondents.

**CORAM : VINAY JOSHI AND
VRUSHALI V. JOSHI, JJ.**

DATE : APRIL 17, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. Admit.

By consent of the learned Counsel for the parties, the matter is taken up for final disposal.

2. The appellant has filed this appeal under Section 42 of the Prevention of Money Laundering Act, 2002 impugning therein the order dated 14.12.2023, passed by the Appellate Tribunal constituted under SAFEMA at New Delhi, by which the challenge raised by the appellant to the order of the adjudicating Authority dated 10.05.2023, was turned down. In substance, the appellant has applied to the adjudicating Authority in the capacity of aggrieved

Rgd.

person to decide its claim about seized goods, however, the adjudicating Authority rejected the intervention application, which is stated to be filed along with supporting documents.

3. Being aggrieved by the said rejection, the appellant has moved the Appellate Tribunal in terms of Section 26[1] of the Prevention of Money Laundering Act, 2002. It is also brought to the notice of this Court that the adjudication by the Appellate Tribunal is without application of mind, since the order is passed by the Bench, which has not heard the matter.

4. Be that as it may, the principal grievance of the appellant is that his claim for seized goods has yet not been decided by the adjudicating Authority. Logically, the right of hearing ought to have been given to the appellant by the adjudicating Authority in the capacity of an aggrieved person. Prima facie the appellant has produced documents to stall his claim. Moreover, the principles of natural justice also demands so. We have seen that this Court has given a signal in the earlier order to give right of hearing to the appellant, but, the Authority did not.

Rgd.

5. In all fairness, the adjudicating Authority ought to have heard the appellant by allowing the intervention application and ought to have decided his objection/claim on merits. In view of that, the impugned order passed by the Appellate Tribunal dated 14.12.2023 and the order passed by the adjudicating Authority dated 10.05.2023 is hereby quashed and set aside. The appellant is permitted to file fresh intervention application annexing all the documents in support thereof before the adjudicating Authority within a period of two weeks from today. The goods being of perishable nature, the adjudicating Authority shall give right of hearing to all the concern, including the appellant and decide his claim within a further period of eight weeks.

6. Criminal Appeal is disposed of in aforesaid terms.

JUDGE

JUDGE

Rgd.