

2024:PHHC:143348



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-2816-2024

Date of decision: 04.11.2024

FLAPS AVIATION PVT. LTD.

.....Petitioner

VERSUS

UNION OF INDIA AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - None for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Shobit Phutela, Advocate
for respondents No.1 and 2.

None for respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

Prayer made in the present petition is for directing the respondent No.1 to decide the representation of the petitioner dated 29.06.2023 (Annexure P-9) whereby the petitioner had requested the Directorate of Enforcement to release the Subject Air-Craft so that the ownership could be transferred to the petitioner Company.

2. Learned Counsel appearing on behalf of respondents No.1 and 2 has handed over copy of Provisional Attachment Order No. 13 /2024 (IN ECIR/09/DLZO-I/2018) bearing Folio No. ECIR/09/DLZO-I/2018 dated



10.08.2024 in exercise of the powers under Sub Section (1) of Section 5 of the Prevention of Money Laundering Act, 2002 (as amended). It has been stated as under:-

“19. Further, from the investigation till date and the records and material placed before me, I have reasons to believe as enumerated in preceding para 18 that M/s Alchemist Airways Pvt Ltd and M/s Flaps Aviation Pvt Ltd have received proceeds of crime and the movable property mentioned in the table below which is in the name of M/s Alchemist Airways Pvt Ltd and is being claimed by M/s Flaps Aviation Pvt Ltd as its own by virtue of an agreement dated 05.11.2020 being equivalent in value to a part of the proceeds of crime are covered squarely under the definition of "Proceeds of Crime" in terms of Section 2(1)(u) read with section 2(1)(v) of the PMLA, 2002, as value thereof and such value of the proceeds of crime as value thereof mentioned in the Table A.

Table-A (VT-SLK, Beech King Air C-90A)

Registration No.	Aircraft Model	Owner	Value of Aircraft as per agreement dated 05.11.2020
VT-SLK (Serial Number- LJ-1270)	Beech King Air C-90A	Alchemist Airways Pvt. Ltd.	Rs. 4,50,00,000/- (Rupees Four Crores Fifty Lacs only)

20. Now, therefore, on the basis of material on record and evidence brought before me, in the ongoing investigation and in exercise of the powers conferred upon me under Section 5 (1) of the Prevention of Money Laundering Act, 2002 (15 of 2003) and the authority vested in me, to act as statutory authority under PMLA,



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by the Director of Enforcement, Vide Circular Order (Tech) No. 03/2011 dated 27.09.2011, as amended by Technical Circular No. 08/2015 dated 26.08.2015, I, hereby, order provisional attachment of the property as detailed in the Table A valued Rs. 4,50,00,000/-(Rupees Four crores and fifty lacs lacs only), for a period of 180 (one hundred eighty) days and further order that the same shall not be transferred, disposed, parted with or otherwise dealt with in any manner, whatsoever, until or unless specifically permitted to do so by the undersigned.

3. It is thus evident from the aforesaid reply that a decision on the representation of the petitioner has already been taken and provisional order of assessment has also been passed by treating the property to have been acquired through a “Proceed of Crime”. The present petition is accordingly disposed of as having been rendered infructuous at this stage with liberty to the petitioner to take recourse to his alternative remedies against the Provisional Order of Attachment Order No. 13 /2024 (IN ECIR/09/DLZO-I/2018) bearing Folio No. ECIR/09/DLZO-I/2018 dated 10.08.2024, if so advised.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 04, 2024
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No