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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MISC. APPEAL(PMLA) 2/2023 & CRL.M.A. 39968/2019**

**DIRECTORATE OF ENFORCEMENT, THROUGH DEPUTY
DIRECTOR** Appellant

Through: Mr. Anurag Ahluwalia, CGSC and
Mr. Kritgya Kumar Kait, Adv.

versus

BALDEV RAJ ARORARespondent

Through: Mr. Vaibhav Dang, Adv.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

29.07.2024

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CRL.M.A.NO. 39970/2019 (seeking condonation of delay in filing the appeal)

1. The appellant has filed the present appeal, under Section 42 of the Prevention of Money Laundering Act, 2002 (hereafter '*PMLA*') impugning an order dated 06.05.2019 (hereafter the '*impugned order*'), passed by the Appellate Tribunal.
2. The application states that the impugned order was communicated to the appellant on 28.05.2019 and the appellant seeks condonation of delay of nine days in filing the appeal. However, it is pointed out that the delay in filing the appeal far exceeds the period of nine days. Since the appeal was filed on 10.10.2019, the same has been filed 74 days beyond the period of 60 days, as available under Section 42 of the PMLA.
3. A plain reading of the provision of Section 42 of the PMLA indicates that the court may, '*if it is satisfied that the appellant was prevented by*



sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days'.

4. Thus, the power of the Court to condone the delay in filing the appeal is confined to a period of 60 days and that too when the court is satisfied that there is sufficient cause which prevented the appellant from filing the appeal.

5. In the present case, the only reason stated in the present application is that several rounds of deliberations were held whether to file the appeal and since the appellant is a government body, a number of administrative formalities were involved.

6. Paragraph-2 of the application which sets out the said reasoning is set out below:

“2. That, it is respectfully submitted that the order was passed by the Ld. Appellate Tribunal, PMLA on 06.05.2019 and was communicated to the Appellate Department on 28.05.2019. Thereafter the order was considered to be appealed against by the Appellate Department. The same was required to be drafted and vetted and further approvals were required considering the peculiar facts of the case. It is submitted that the considering the legal ramifications the present appeal required several rounds of deliberations. It is respectfully submitted that the respondent is a Government body and there are a number of administrative formalities involved in the preparation of the Appeal. That the delay in refilling the Appeal occurred due to bona fide reasons as mentioned and is not intentional.

7. We are unable to accept that the aforesaid reasoning presents a sufficient cause which prevented the appellant from filing the appeal within the stipulated period of 60 days. In addition, as stated above, the period of delay exceeds 60 days that cannot be condoned by this court.



8. In view of above, the present application is dismissed.
9. Consequently, the above captioned appeal cannot be entertained, the same is accordingly, rejected.

VIBHU BAKHRU, J

SACHIN DATTA, J

JULY 29, 2024/cl