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

+ W.P.(CRL) 617/2022 & CRL.M.A. 5295/2022, 5657/2022,
5668/2022

PRIYA DUBEY

..... Petitioner

Through: Mr. Vikram Chaudheri, Senior Advocate with Mr. Vijay Kumar Pandey, Mr. Shashi Shehgai, Mr. Vinay Prakash, Mr. Arueen Sekhan and Mr. Udayan Sinha, Advocates.

versus

UNION OF INDIA THR. DIRECTORATE OF
ENFORCEMENT

..... Respondent

Through: Mr. Zoheb Hossain, Special Counsel with Mr. Vivek Gurnani, Mr. Kartik Sabharwal and Ms. Sara Jain, Advocates.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
20.03.2024

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1. This writ petition has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India seeking a writ of certiorari quashing Provisional Attachment Order No.11/2021 dated 22.12.2021, passed under Section 5(1) of Prevention of Money Laundering Act, 2002 ('PMLA') as well as show-cause notice dated 27.01.2022 issued under Section 8(1) of PMLA, in Original Complaint No.1603/2022.

2. Detailed counter affidavit has been filed on behalf of the Respondent/Directorate of Enforcement in which preliminary objections are taken to the maintainability of this petition before this Court on two separate grounds: (a) doctrine of *forum conveniens*; and (b) existence of alternate and



efficacious statutory remedies under PMLA. On the first objection, the stand of the Respondent is that even if any part of cause of action has arisen within the jurisdiction of this Court for the sake of argument, this Court may refuse to exercise the discretionary jurisdiction by invoking the doctrine of *forum conveniens* in view of the fact that investigation in the present matter is being carried out by Directorate of Enforcement, Patna zonal office; impugned Provisional Attachment Order dated 22.12.2021 is also issued by zonal office, Patna; Petitioner resides at Ranchi, Jharkhand; witnesses are at Patna etc.

3. After canvassing some arguments, Mr. Vikram Chaudheri, learned Senior Counsel appearing on behalf of the Petitioner, on instructions, seeks to withdraw the present petition, in view of the preliminary objection raised on behalf of the Respondent premised on the doctrine of *forum conveniens*, without prejudice, however, to the rights and contentions of the Petitioner and with liberty to raise all issues raised in the present petition before the appropriate Court. Mr. Chaudheri also urges that the interim order granted by this Court on 13.04.2022 be continued for a further period of 30 days from today, to enable the Petitioner to approach the appropriate Court.

4. Mr. Zoheb Hossain, learned Special Counsel for the Respondent has no objection to the withdrawal of the petition. He, however, states that all contentions and legal issues raised on behalf of the Respondent, be left open.

5. In view of the aforesaid, this petition is disposed of as withdrawn, with liberty to the Petitioner to approach the appropriate Court. Needless to state that the withdrawal of this petition is without prejudice to all rights and contentions of the Petitioner. It is made clear that this Court has not expressed any opinion on the merits of the case and all contentions raised by



the respective parties are left open including the issue of maintainability of a writ petition before the High Court, when an alternate and efficacious remedy is available to a party under the applicable statute.

6. Interim order granted by this Court on 13.04.2022 shall continue for a period of 30 days from today, to enable the Petitioner to approach the appropriate Court.

7. Petition stands disposed of along with all pending applications.

JYOTI SINGH, J

MARCH 20, 2024/shivam/kks