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

+ W.P.(C) 4449/2021 & CM APPLs. 13557/2021, 34809/2023

RADIANT LIFE CARE PRIVATE LIMITED EARLIER KNOWN
AS INTEGRATED HEALTH AND HEALTHCARE SERVICES
INDIA PRIVATE LIMITED Petitioner

Through: Mr. Dayan Krishnan, Sr. Advocate
with Mr. Madhav Khurana, Mr.
Alipak Banerjee, Mr. Puneeth
Ganpathy, Mr. Saurya Singh, Mr.
Parva Khare and Mr. Brijesh
Ujjainwal, Advocates.

versus

SPECIAL DIRECTOR DIRECTORATE OF ENFORCEMENT &
ORS. Respondents

Through: Mr. Anurag Ahluwalia, CGSC for ED
with Mr. Kaushal Jeet Kait and Mr.
Parimal Bhatia and Mr. Kritgya
Kumar Kait, Advocates.
Ms. Manisha Agrawal Narain, CGSC
with Mr. Sandeep Singh Somaria, Ms.
Khushi Mangla, Advocates for UoI.

+ W.P.(C) 4459/2021 & CM APPLs. 13636/2021, 34859/2023

M S INTEGRATED HEALTH AND HEALTHCARE SERVICES
INDIA PRIVATE LIMITED NOW KNOWN AS RADIANT LIFE
CARE PRIVATE LIMITED Petitioner

Through: Mr. Sidharth Luthra, Sr. Advocate
with Mr. Alipak Banerjee, Mr.
Puneeth Ganpathy, Mr. Parva Khare
and Mr. Brijesh Ujjainwal,
Advocates.



versus

SPECIAL DIRECTOR DIRECTORATE OF ENFORCEMENT &
ANR. Respondents

Through: Mr. Anurag Ahluwalia, CGSC for ED
with Mr. Kaushal Jeet Kait and Mr.
Parimal Bhatia and Mr. Kritgya
Kumar Kait, Advocates.
Ms. Manisha Agrawal Narain, CGSC
with Mr. Sandeep Singh Somaria, Ms.
Khushi Mangla, Advocates for UoI.

+ W.P.(C) 4492/2021 &CM APPLs. 13719/2021, 38624/2023 &
38625/2023
ABHAY SOI Petitioner

Through: Mr Rishi Aggarwal, Mr. Manu
Krishnan, Mr. Sandeep Khairwal,
Advocates.

versus

DIRECTORATE OF ENFORCEMENT & ORS. Respondents

Through: Mr. Anurag Ahluwalia, CGSC for ED
with Mr. Kaushal Jeet Kait and Mr.
Parimal Bhatia and Mr. Kritgya
Kumar Kait, Advocates.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
06.03.2024

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1. W.P.(C) 4449/2021 has been filed with the following prayers:

*“(a) Issue a writ of certiorari or any other Writ, Order
or direction of like nature setting aside the Impugned*



Order No. SDE(VW)/02/2021/CR dated 26 February 2021 passed by the Respondent No. 1 and quash the proceedings arising out of the Show Cause Notice No. T-4/03/FEMA/CR/2020/SDE(CR)/15424 dated 7 February 2020 and the Complaint No. F.No.T-3/Misc/11/DZ/2013/AD(RY) against the Petitioner;

(b) Issue a writ of certiorari or writ of any other nature quashing the Inquiry Order dated 7 September 2020 passed by Respondent No. 1 in the Adjudication Proceedings in Show Cause Notice No. T-4/03/FEMA/CR/2020/SDE(CR)/15424;

(c) Issue a writ of certiorari or writ or any other nature quashing the Show Cause Notice dated 7 February 2020 issued by the Respondent No. 1 to the Petitioner;

(d) Pending the hearing and final disposal of this petition, issue a writ of Mandamus or any other writ, order or direction of similar nature directing the Respondent No. 1 to maintain status quo as regards the Impugned Order No. SDE(VW)/02/2021/CR dated 26 February 2021 and to not take any coercive action against the Petitioner”

2. W.P.(C) 4459/2021 has been filed with the following prayers:

“(a) Issue a Writ of certiorari or any other Writ, Order or Direction of like nature setting aside the Impugned Order No. SDE(VW)/01/2021/CR dated 26 February 2021 passed by the Respondent No. 1 and quash the proceedings arising out of the Show Cause Notice No. T- 4/02/FEMA/CR/2019/SDE(CR)/5512-5515 dated 19 July 2019 and the Complaint No. F.No.T-3/Misc/11/DZ/2013/AD(RY) against the Petitioner;

(b) Issue a writ of certiorari or writ of any other nature quashing the Inquiry Order dated 7 September 2020 passed by Respondent No. 1 in the Adjudication



Proceedings in Show Cause Notice No. T-4/02/FEMA/CR/2019/SDE(CR)/5512- 5515;

(c) Issue a writ of certiorari or writ or any other nature quashing the Show Cause Notice dated 19 July 2019 issued by the Respondent No. 1 to the Petitioner;

(d) Pending the hearing and final disposal of this petition, issue a writ of Mandamus or any other writ, order or direction of similar nature directing the Respondent No. 1 to maintain status quo as regards the Impugned Order No. SDE(VW)/01/2021/CR dated 26 February 2021 and to not take any coercive action against the Petitioner”

3. W.P.(C) 4492/2021 has been filed with the following prayers:

“(a) Issue a Writ of Certiorari or any other Writ, Order or Direction of like nature setting aside the Impugned Order having Order No. SDE(VW)/02/2021/CR dated 26 February 2021 passed by the Respondent No.1 and quash the proceedings arising out of the Show Cause Notice No. T-4/03/FEMA/CR/2020/SDE(CR)/15425 dated 7th February 2020 and the Complaint (F.No.T-3/Misc/11/DZ/2013/AD (RY)) against the Petitioner;

(b) Issue a Writ of Certiorari or any other Writ, Order or Direction of like nature quashing the Inquiry Order dated 7 September 2020 passed by Respondent No. 1 in the Adjudication Proceedings in Show Cause Notice No. T-4/03/FEMA/CR/2020/ SDE(CR)/15425;

(c) Pending the hearing and final disposal of this petition, issue a Writ of Mandamus or any other Writ, Order or Direction of like nature directing the Respondent Nos.1 and 2 to maintain status quo as regards the Impugned Order No. SDE (VW)/02/2021/CR dated 26 February 2021 (received



by the Petitioner on 27 March 2021) and not take any coercive action against the Petitioner;

(d) Issue a Writ of Certiorari or writ of any other nature quashing the show cause Notice dated 7th February 2020 issued by Respondent No.1 to Petitioner”

4. It is pertinent to mention that when the present writ petitions were filed, the Tribunal was not functioning. Since the Tribunal was not functioning, this Court on 09.04.2021 passed an Interim Order. Relevant portion of the said Interim Order reads as under:

“10. Mr. Mahajan, on instructions, submits that members in the said Appellate tribunal are likely to be appointed soon. However, in any case considering that there is no Appellate Tribunal functioning as on today, he fairly submits that no coercive measures would be taken against the Petitioners until the next date of hearing.”

5. The Tribunal has started functioning. When this Court made a suggestion to the learned Senior Counsel appearing for the Petitioners as to whether the Petitioners are now prepared to approach the Tribunal which is now functioning, the learned Senior Counsel appearing for the Petitioners in all fairness states that the Petitioners are prepared to approach the Tribunal. Learned Senior Counsel appearing for the Petitioners, therefore, seeks permission to withdraw the present writ petitions with liberty to approach the Tribunal.

6. Permission and liberty, as sought for, are granted.

7. The question which arises for consideration as to whether the Interim Order dated 09.04.2021 passed by this Court should be continued till the



hearing of the appeals which have already been filed.

8. Learned Senior Counsel appearing for the Petitioners has drawn attention of this Court to an Order dated 07.12.2023 passed by this Court in the case of “Amarendra Dhari Singh vs. Directorate of Enforcement” in **W.P.(C) 9611/2022** wherein this Court has passed the following Order:

“4. This Court on 24.06.2022 after recording the submissions of the Petitioner and learned Counsel for the Respondent/ED, who appeared on advance notice, passed an order of status quo, which is reproduced as under:-

“Till that time, both the parties are directed to maintain status quo in respect to the ownership, possession and encumbrance upon the properties. The issue as to restoring the status quo ante shall be considered after the reply is filed by the respondent.”

5. Mr. Zoheb Hossain, learned Counsel for ED, submits that the Petitioner has already approached the Tribunal by filing an appeal, which is pending adjudication by the Tribunal. He states that the writ petitions can be disposed of with the observation that the status quo order passed by the Court can be kept pending during the adjudication of the matter by the Tribunal.

6. The petitions are disposed of along with pending application(s), if any.

7. It is open for the Tribunal to consider the question of status quo ante in view of the interim Order dated 24.06.2023 passed by this Court in accordance with law.”

9. Amarendra Dhari Singh (supra) on which reliance is placed is a



case which arises from proceedings under the PMLA, whereas the present cases arise under FEMA. No question of granting any Order of status quo ante arises in the present cases. It is open for the Respondents to move an application for vacation of Status Quo Order passed by the Court before the Tribunal. As and when/if and when, an application for vacation of stay is filed by the Respondents, the Tribunal is directed to pass Orders in accordance with law.

10. With these observations, the writ petition is disposed of as withdrawn, along with pending application(s), if any. It is made clear that this Court has not made any observations on the merits of the case.

SUBRAMONIUM PRASAD, J

MARCH 6, 2024

S. Zakir