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

+ **W.P.(C) 7232/2024 & CM APPL. 30121/2024**

M/S VARUTHA DEVELOPERS PVT LTD Petitioner

Through: Mr. Arjun Syal and Mr. Shreyan Das,
Advocates.

versus

ENFORCEMENT DIRECTORATE Respondent

Through: Mr. Zoheb Hossain, Mr. Vivek
Gurnani, Mr. Deepanshu Gaba and
Mr. Sachin Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

21.05.2024

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1. The present Writ Petition has been filed with the following prayers:

“a) Issue a Writ of declaration or any other appropriate writ/direction/ order declaring that the Adjudicating Authority has become functus officio as 180 days period provided under Section 5 PMLA have expired on 02.08.2020 and therefore the Provisional Attachment Order No. 01/2020 dated 04.02.2020 issued by the Respondent ED has lapsed and ceased to have any effect.

b) Issue a Writ of declaration or any other appropriate writ/direction/ order declaring that the Adjudicating Authority has become functus officio as 180 days period provided under Section 5 PMLA have expired on 02.08.2020 and therefore the Order dated 27.08.2021 passed in Original Complaint No. 127/2020 has lapsed and ceased to have any effect.

c) Pass any other necessary and appropriate orders



and directions, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. Learned Counsel appearing for the Enforcement Directorate has brought to the knowledge of this Court that the Petitioner has already filed a Writ Petition bearing W.P.(C) 4082/2022, assailing the same Provisional Attachment Order, which has been challenged in the present Writ Petition.
3. When this Court suggested to the learned Counsel for the Petitioner that in order to avoid conflicting orders in two Writ Petitions challenging the very same Order, it would be better if the Petitioner incorporates the prayers of the present Writ Petition with the W.P.(C) 4082/2022 by filing an application for amendment of W.P.(C) 4082/2022, learned Counsel for the Petitioner seeks permission to withdraw the present Writ Petition with liberty to amend W.P.(C) 4082/2022 by incorporating the prayers of the present Writ Petition in the aforementioned Writ Petition.
4. Leave and liberty, as sought for, is granted.
5. The Writ Petition is disposed of as withdrawn, along with the pending applications, if any.
6. It is made clear that this Order is without prejudice to the contentions of the Enforcement Directorate to oppose the prayers of the present Writ Petition.

SUBRAMONIUM PRASAD, J

MAY 21, 2024

Rahul