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

\+ W.P.(C) 15600/2024 & CM APPL. 65492/2024

HARBHAJAN SINGH .....Petitioner

Through: Mr. Naveen Malhotra and Mr. Ritwik Malhotra, Advocates.

versus

JOINT DIRECTOR, ENFORCEMENT DIRECTORATE .....Respondent

Through: Mr. Manish Jain, Spl. Counsel with Ms. Snehal Sharda, Ms. Gulnaz Khan and Mr. Sougata Ganguly, Advocates.

**CORAM:**
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**<u>O R D E R</u>**

% **14.11.2024**

1. The earlier writ petition [W.P.(C) 9358/2024] preferred by Mr. Harbhajan Singh (the Petitioner herein) was disposed of by this court *vide* dated 20th August, 2024, with a direction to the Petitioner to furnish a Fixed Deposit Receipt[1] from a nationalized bank in the name of Directorate of Enforcement,[2] in lieu of the properties mentioned in paragraph 4(b) of the said order.

2. Pursuant to the aforenoted directions, while the Petitioner submitted the FDRs, those were opened in the monthly income scheme, with standing instruction of interest being credited into the Petitioner's savings account on

[1] "FDR"
[2] "ED"

monthly accrual basis. The ED objected to the same and a communication dated 3rd October, 2024 called upon the Petitioner to resubmit the FDRs in compliance with the Court's directions, with the interest accrued being credited in the respective FDRs only.

3. In the above circumstances, the Petitioner has filed the instant petitions seeking a direction to Respondents to release the interest accrued in the subject FDRs in their favour and also issue a no objection for release of the properties mentioned in paragraph no 4(b) of the order dated 20th August, 2024, to the relevant authorities.

4. However, after making some submissions, Mr. Naveen Malhotra, counsel for Petitioner, on instructions, states that the Petitioner no longer wishes to press payment of monthly interest compounded and instead shall furnish fresh FDRs. Nonetheless, they seek other directions. After hearing the arguments of both sides, the following directions are issued:

(i). ED is directed to return the FDRs furnished by the Petitioner.

(ii). Petitioner shall now furnish fresh FDRs in an auto renewal mode. The interest accrued on the said FD, shall be credited into the FD accounts itself.

(iii). The FDRs will continue to be renewed till the conclusion of the trial under the Customs Act, 1962 as well as the Prevention of Money Laundering Act, 2002[3] in terms of Section 8(6) of the PMLA Act.

iv). Once the Petitioner submits the FDRs in the aforenoted terms, the ED will release the subject properties and send an intimation to the Petitioner.

5. Additionally, Mr. Malhotra has pointed out that as per the ED, the proceeds of crime were ascertained as INR 3,15,64,999/- out of which INR 15,60,000/- have been deposited with the customs and for the remaining

amount of INR 3,00,04,999/- three immovable properties of the Petitioner were attached. Furthermore, some of the amount which were lying in the bank account of the Petitioner mentioned at column of the movable properties of the attachment order were also attached. The details are as follows:

| S. No. | Name of Account Holder | Bank name | Account No./ FD No | Balance in (INR) |
|---|---|---|---|---|
| 1 | Harbhajan Singh | HDFC Bank, Greater Kailash, Part-I, New Delhi | 00921000 055806 | 5,66,120.72 (as on 24.01 2023) |
| 2 | Harbhajan Singh | HDFC Bank, Greater Kailash, Part-I, New Delhi | 50100033 668200 | 29,93,244.41 (as on 22.02 2024) |
| 3 | Harbhajan Singh | HDFC Bank, Greater Kailash, Part-I, New Delhi | FD No. 50300851 034826 | 3,45,814.00 (as on 04.09.2023) |
| 4 | Pardeep Singh | HDFC Bank, Greater Kailash, Part-I, New Delhi | FD No. 50300902 530400 | 8,89,915 (as on 25.12.2023) |
| 5 | Deepak Lights | Bank of India, Connaught Place, Delhi | 6042201 10000123 | 8,08,731.74 (as on 01.03.2024) *Balance to the extent of Rs 7,07,443/- was provisionally attached. |

6. The aforenoted amounts which have been attached are in the savings account. Since the saving accounts interest is far less than the FDR rate of interest, the Petitioner requests that the said amounts be kept in an FDR rather than in the savings accounts. On the other hand, counsel for ED, states that this amount is to be now transferred to the account of Joint Director, Directorate of Enforcement in terms of rules framed under the PMLA Act.

[3] "PMLA"

7. Nonetheless, to ensure that there is no loss of interest, which would enure to the benefit the successful party, subject to the final outcome, it is directed that the aforementioned amounts be kept in a Fixed Deposit Receipt (FDR) in the name of the Joint Director, Directorate of Enforcement. Once the amounts are transferred, the freezing instructions on the aforenoted bank accounts shall cease.

8. With the above directions, the present petition is disposed of along with pending application(s).

**SANJEEV NARULA, J**

**NOVEMBER 14, 2024/**as