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

+ **W.P.(C) 16379/2024 & CM APPL. 69073/2024**

SUNNY JAIN

.....Petitioner

Through: Mr. Ayush Jain, Mr. Tushar Thakur,
Mr. Yashovardhan Upadhyay, Mr.
Vishwas Verma, Advocates

versus

SUB REGISTRAR-III, ASAF ALI ROAD & ANR.Respondents

Through: Ms. Puhumi Aditya, Advocate for Mr.
Jawahar Raja, ASC (Civil) for R-1
Mr. Ali Khan, Advocate for Mr. Ravi
Prakash, CGSC for ED

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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27.11.2024

1. The Petitioner intends to give the property which comprises of third floor along with roof rights of property No. 5/2, WEA, Karol Bagh, New Delhi to his mother, Mrs. Kanta Devi Jain. In this regard, the Petitioner has executed a gift deed which has been presented for registration with the Sub-Registrar Office, Central Asaf Ali Road, under filing No. 2024/24/8863 dated 30th July, 2024. The Petitioner states that despite completing all the formalities and payment of the stamp duty, the document has not been registered.

2. On making enquiries the Petitioner was apprised that since the Sub-Registrar received an intimation from the Directorate of Enforcement (ED),



which included Provisional Attachment Order No. 02/2024 in ECIR/DLZO-1/2020, the Sub-Registrar is under the impression that the subject property is part of the property attached and hence the gift deed cannot be registered.

3. In this regard, Respondent No. 1 has, in fact, sent a communication dated 05th August, 2024 to the Assistant Director, Directorate of Enforcement informing them about the presentation of the purported gift deed for registration in respect of the property in question. Sub-Registrar then accordingly called upon the Assistant Director to provide the latest status or order, if any, issued by court of law which prevents the registration. However, since no response has been received by the Sub-Registrar, the registration of the Petitioner's document is being withheld. The Petitioner submitted representations to the Sub-Registrar Office, however, since there was no resolution, the Petitioner has been constrained to file instant petition.

4. During the hearing, Mr. Ali Khan, counsel for ED, states that they have received a communication from the Directorate of Enforcement, clarifying that the property in question has not been attached by the Directorate in Provisional Attachment Order No. 02/2024 in ECIR/DLZO-1/2020. The copy of the communication received by the counsel is to the following effect:

"The very preliminary submissions in respect of the subject writ, are as under:

This Directorate has issued two Provisional Attachment Orders viz. PAO dated 18.01.2024 and PAO 07.06.2024, in the case no. ECIR/DLZO-1/20/2022 of M/s Ginni Gold Pvt Ltd and others. The property in question, i.e. Property no. 5/2, WEA, Karol Bagh, New Delhi, has not been attached in any of the aforesaid two PAOS.

Further, the copy of CBI FIR, on the basis of which the ML investigation has been initiated, is attached herewith for kind reference, which says that the property in question, was mortgaged with the Bank of India in the loan of M/s Ginni Gold Pvt Ltd, though most of the part of aforesaid property was already sold out by the



owners and remaining part was sold out after its mortgage with the bank.

Hence, this Directorate had made some basic inquiries with SR-III, New Delhi in respect of the property in question. However, as stated above, the property in question, has not been attached by this Directorate in the case no. ECIR/DLZO-1/20/2020.

Regards

Priyanka Sharma

Assistant Director

Directorate of Enforcement Delhi Zonal Office-I

011-23339336”

5. In light of the aforementioned categorical stand that the property in question is not subject matter of attachment by the Directorate of Enforcement, the present petition is disposed of with the following directions:

(a) Respondent No. 1 is directed to proceed with the registration process of the document presented under Serial No. 2024/24/8863, in accordance with law.

(b) The registration process be completed expeditiously, preferably within a period of three weeks from today.

6. With the above directions, the present petition is disposed of along with pending application.

7. It is clarified that the Court has not examined the merits of the case.

SANJEEV NARULA, J

NOVEMBER 27, 2024/ab