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

+ **W.P.(C) 16420/2024, CM APPL. 69340/2024**

ASHOKBHAI AKHENIA

.....Petitioner

Through: **Mr. Rajesh Lathigara, Advocate.**

versus

DIRECTORATE OF ENFORCEMENT & ANR.Respondents

Through: **Mr. Anuj Aggarwal, ASC, GNCTD**
with **Mr. Yash Upadhyay and**
Mr. Siddhant Dutt, Advocates for R-
2.

Mr. Ravi Prakash, CGSC with
Mr. Ali Khan, Advocate for ED.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **27.11.2024**

1. The Petitioner, owner of shop No. 107, first floor, measuring about 281.52 sq. ft., Gali No. 9 and 10, Municipal No. 2460-2461 and 2476, Ward No. XVI, built on plot No. 326, Beadon Pura, Naiwala Estate, Karol Bagh, New Delhi – 110051.¹ The Petitioner asserts title to the said property under a sale deed dated 25th September, 2001 duly registered under No. 4187 Addl. Book No. I, Volume No. 10918 before Sub Registrar-III, New Delhi.
2. The Petitioner executed an agreement to sell dated 11th May, 2024 in respect of the subject property, in favour of Mr. Apporv Gupta. Intending to complete the transfer through a sale deed, the Petitioner approached the office of the Sub Registrar-III, Asal Ali Road, Respondent No. 2. However,



he was informed that registration cannot proceed, as the subject property is listed under Annexure-I of an attachment order dated 5th April, 2024. The said order is issued by the Directorate of Enforcement² under the Prevention of Money Laundering Act, 2002 and pertains to the attachment of various immovable properties belonging to M/s Ginni Gold Private Limited, an entity of M/s Shree Raj Mahal Jewellers Private Limited.

3. In the above circumstances, the Petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India, 1950, calling upon the ED to cure and to carry out corrections in their attachment order dated 5th April, 2024 by specifying the shop number of the attached properties of M/s Ginni Gold Private Limited.

4. Counsel for Petitioner alleges that there are press releases dated 21st January, 2024, 9th May, 2024 and 27th September, 2024 notifying the public about the attachment of properties belonging to M/s Ginni Gold Private Limited. The Petitioner asserts that his property is entirely unrelated to the said entity and its affairs, and therefore, it should not be subject to the encumbrance arising from the attachment order.

5. Having heard the counsel for the parties, it appears that the information given to the Petitioner by Respondent No. 2 is premised on a communication received by them from the ED to the following effect:

¹ “the subject property”

² “ED”



27/11

भारत सरकार/ GOVERNMENT OF INDIA
प्रवर्तन निदेशालय/ DIRECTORATE OF ENFORCEMENT
दिल्ली आंचलिक कार्यालय-I/ DELHI ZONAL OFFICE-I,
प्रथम व द्वितीय तल, प्रवर्तन भवन/1st & 2nd Floor, Pravartan Bhawan,
डॉ. ए.पी.जे. अब्दुल कलाम रोड, नई दिल्ली/Dr. A.P.J. Abdul Kalam Road, New Delhi – 110011
Tel No- 011- 23339336 email- addlzo151-ed@gov.in
F. No.: ECIR/DLZO-I/44/2021/113 Date: 05.04.2024

To,

The Sub-Registrar-III,
4/7 Asaf Ali Road, Distt. Central,
GNCT of New Delhi, 110002.

Sub:- Investigation under the provisions of Prevention of Money Laundering Act, 2002 - reg.

Sir,

In connection with certain investigation being conducted by this office under the provisions of Prevention of Money Laundering Act, 2002, it is requested to inform the present status of ownership of the immovable properties registered in your jurisdiction, mentioned in Annexure-I to this letter, at the earliest.

It is further requested that this office may kindly be intimated before sell out/transfer/lease out/disposal of the immovable properties mentioned in the said Annexure-I, the same are being subject matter of investigation under the PMLA, 2002.

This letter is issued u/s 54 of the Prevention of Money Laundering Act, 2002.

An early reply is solicited in the matter.

Encl: as above.

Yours faithfully,

(Priyanka Sharma)
Assistant Director
प्रियंका शर्मा/Priyanka Sharma
सहायक निदेशक /Assistant Director
आंचलिक निदेशालय, Directorate of Enforcement
दिल्ली, Delhi



ANNEXURE-I	
S. No.	Property Address
1.	House No. 12/20, W.E.A. Karol Bagh
2.	House No. XVI/2704, Beadon Pura
3.	House No. 3160, Karol Bagh
4.	House No. E-270, Shastri Nagar
5.	House No. 2583 AND 2605, Beadon Pura
6.	House No. 8320, Karol Bagh
7.	House No. 875-A, Karol Bagh
8.	House No. 28-B, Pusa Road, Karol Bagh
9.	House No. 2608 TO 2613 AND 2637, Beadon Pura
10.	House No. XVI/2105, NAIWALA ESTATE, DESH BANDHU GUPTA ROAD, KAROL BAGH NEW DELHI, Nai Wala
11.	House No. 2679-80, Nai Wala
12.	House No. 2606 AND 2607XVI/2679-80 2678/1-4, Beadon Pura
13.	House No. XVI/2548, Road No. XVI/2548 OLD NO.XVI/2559/81, GALI NO.6-7, BEADON PURA, KAROL BAGH, NEW DELHI, Beadon Pura
14.	House No. xvi/2691, Beadon Pura
15.	House No. 2460-61 AND 2476, Beadon Pura
16.	House No. 61/12, W.E.A. Karol Bagh
17.	House No. XVI/2633-2634, W.E.A. Karol Bagh
18.	House No. 3862-3864, Reghar Pura
19.	House No. 8037 (52/78), W.E.A. Karol Bagh
20.	House No. 16-A/8, W.E.A. Karol Bagh
21.	House No. 1049 (16-A/8), W.E.A. Karol Bagh
22.	House No. 3871 to 3874, Regharpura, Karol Bagh



6. The dispute arose as the Petitioner's property is listed at Serial No. 15 in Annexure-I of the afore-mentioned communication. However, this issue has been resolved in view of the communication issued by the Assistant Directorate of Enforcement to the Petitioner's counsel, which states as follows:



Fwd: writ petition by Ashok Akhenia

Mon, 11 Nov at 8:35 PM

Priyanka Sharma <addlzo51-ed@gov.in>
To: <raviprakash1066@gmail.com>
Cc: Rajiv Kumar <dddlzo5-ed@gov.in>

Sir,

Please refer to the trailing mail assigning the subject matter to your good office.

In this connection, a few preliminary submissions of this Directorate are as under:

1. The property in question has not been attached by this Directorate in the case of M/s Ginni Gold Pvt Ltd or M/s Shree Raj Mahal Jewellers Pvt Ltd being investigated vide case no. ECIR/DLZO-I/20/2020 and ECIR/DLZO-I/44/2021 respectively.
2. The petitioners has neither visited the office of this Directorate nor sent any communication regarding his property in question before moving the writ petition.
3. The fair typed copy of Annexure placed at page no. 30 of the Writ says that "It is list of properties of offender published by ED for attachment". However, no such list of properties has been published by the ED.
4. During investigation in case no. ECIR/DLZO-I/44/2021, a letter dated 05.04.2024 was issued to the SR-III, New Delhi, requesting to provide status of ownership of certain properties as per Annexure-A of the said letter and to intimate regarding sale/transfer of the same. Copy of the letter is attached strictly for perusal of Hon'ble High Court, if so required. The list of said properties included the property House No. 2460-61 and 2476, Beadon Pura, Karol Bagh, New Delhi. However, it is reiterated that this property is not part of properties attached by ED, so far, in any of the above said cases.

Regards

Priyanka Sharma
AD, ED, Delhi Zone-I

From: "B Naveen Kumar" <dl.hc-ed@gov.in>
To: raviprakash1066@gmail.com
Cc: "Sonia Narang" <sdecr-enforce@gov.in>, "Abhyuday A Anand" <jddlzo5-ed@gov.in>, "Rajiv Kumar" <dddlzo5-ed@gov.in>, "Priyanka Sharma" <addlzo51-ed@gov.in>, "Kaushlesh Pandey" <lckdlzo5-ed@govcontractor.in>
Sent: Monday, November 11, 2024 2:18:54 PM
Subject: Fwd: writ petition by Ashok Akhenia
[Quoted text hidden]
sro letter dated 05.04.2024.pdf, DocScanner 09-Nov-2024 07-54 PM.pdf

7. In light of the above, it is evident that Petitioner's property is not among those attached by the ED, as of now. Accordingly, taking note of the stand of the ED, the present petition is disposed of. Should the Petitioner present any document of transfer in respect of the subject property, Respondent No. 2 shall take appropriate action therein, in accordance with law, having regard to the communication extracted above, issued by the ED.

8. It is also noticed that House No. 2460-61 and 2476, Beadon Pura,



Naiwala Estate, Karol Bagh comprise a large parcel of land encompassing the Petitioner's shop as well as several other shops. However, considering the possibility that other individuals may own properties within the aforementioned complex, the ED is directed to provide Respondent No. 2 with specific details of the shops attached by them through attachment order dated 5th April, 2024. This measure will ensure that other property owners within the complex are not subjected to unnecessary inconvenience.

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

SANJEEV NARULA, J

NOVEMBER 27, 2024

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