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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17691/2024 & CM APPL. 75319/2024**
P.J. MATHEWPetitioner

Through: Mr. Avtar Singh Rawat, Senior Advocate with Mr. V. Govinda Ramanan, Mr. Vinayak Pant and Mr. Vasu Kukreja, Advocates.

versus

DIRECTORATE OF ENFORCEMENT AND ANR.

.....Respondents
Through: Mr. Rahul Tyagi, SPP with Mr. Jatin, Mr. Aniket Kumar Singh and Mr. Amit Rohila, Advocates for ED.
Ms. Nidhi Raman, CGSC with Mr. Akash Mishra and Mr. Zubin Singh, Advocates with Mr. Akash, G.P. for R-2.
Mr. Anuj Aggarwal, ASC with Mr. Yash Upadhyay, Mr. Siddhant Dutt and Ms. Ishita Pandey, Advocates for R-2 & 3.
Mr. Rahul Tyagi, SC for DOE.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
23.12.2024

1. The present petition impugns Possession Notice dated 28th November, 2024, passed by Respondent No. 1/Directorate of Enforcement, Kochi Zonal Office. Through the said order, Respondent No. 1 has initiated the process of taking possession of the attached or frozen properties confirmed by the



Prevention of Money Laundering (Taking Possession of the Attached or Frozen Properties Confirmed by the Adjudicating Authority) Rules, 2013.

2. After making some submissions, Mr. Avtar Singh Rawat, Senior Counsel for the Petitioner, states that the Petitioner shall take appropriate action of impugning the Possession Notice before the Appellate Authority in their pending appeal, filed against the order of the Adjudicating Authority dated 17th September, 2021. However, he submits that till such time the requisite application is filed by the Petitioner, and the matter is considered by the Appellate Authority, the Respondents be directed not to take any further action under the impugned Possession Notice.

3. Considering the fact that the Petitioner has already filed an appeal against the order passed by the Adjudicating Authority dated 17th September, 2021 and that the Respondents are now proceeding to take action of possession in furtherance thereof, the Court is of the opinion that the Petitioner should assail the impugned Possession Notice before the Appellate Authority.

4. Counsel for the Respondents have objected to the maintainability of the present proceedings on the ground of territorial jurisdiction. Notwithstanding the said objection, and considering the limited relief sought by the Petitioner, the petition is disposed of with the following directions:

(a) The Petitioner shall, within a period of three weeks from today, file an appropriate application/ appeal impugning the Possession Notice dated 28th November, 2024, if so advised.

(b) Till such time the appeal/ application is taken up for consideration, the impugned Possession Notice dated 28th November, 2024 shall not be given effect to.



5. It is clarified that the Court has not examined the merits of the case. All rights and contentions of the parties are reserved.
6. The limited relief has been granted only to enable the Petitioner to take recourse to the alternate statutory remedy, as available under law.
7. With the above directions, the present petition is disposed of along with pending application.

SANJEEV NARULA, J

DECEMBER 23, 2024

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