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

+ W.P.(C) 18001/2024, CM APPL. 76578/2024 & CM APPL. 76579/2024

EASYACCESS FINANCIAL SERVICES LIMITEDPetitioner

Through: Ms. Vibha Datta Makhija, Senior Advocate with Mr. Shariq Ahmed, Mr. Tariq Ahmed, Mr. Vinay Vats and Mr. Karan Mangain, Advocates.

versus

DEPUTY DIRECTOR (BGZO) DIRECTORATE OF ENFORCEMENT AND ORS

.....Respondents

Through: Mr. Ravi Prakash, Senior Advocate with Mr. Arkaj Kumar, Standing Counsel, Ms. Vaishnavi Bhargava, Mr. Ishank Jha and Mr. Aakarsh Mishra, Advocates for ED.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
24.12.2024

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1. After making some submissions, Ms. Vibha Datta Makhija, Senior Counsel for Petitioner, states that she has instructions to withdraw the present writ petition and seeks liberty to approach the Appellate Authority for challenging the impugned order under Section 26(1) of the Prevention of Money Laundering Act, 2002¹. She submits that since the period of

¹ "PMLA"



limitation for filing the appeal has expired, the Petitioner's appeal may not be entertained on the ground of limitation. She further submits that till such time the appeal is filed, the Respondents ought to be directed to maintain *status quo*.

2. On the other hand, Mr. Ravi Prakash, counsel for Respondents objects to the maintainability of the present writ petition, placing reliance on the judgments of this Court. He further submits that irrespective of the question of maintainability, since the Petitioner had an alternate remedy of filing an appeal, they ought to have exercised this remedy within the statutory time period and as such, they cannot be allowed to seek condonation of delay in filing the appeal, by way of filing a writ petition.

3. Having regard to the aforementioned facts, the present writ petition is dismissed as withdrawn, with liberty as prayed for by Ms. Makhija, Senior counsel for the Petitioner. In this regard, it is directed that there shall be *status quo* with respect to the property in question, for a period of three weeks from today. This direction is issued, only so as to enable the Petitioner to take recourse to the appellate remedy under the PMLA.

4. It is made clear that the Court has not expressed any opinion on the merits of the case and all rights and contentions of parties shall remain open. The Appellate Authority shall be free to on consider the Petitioner's appeal on its own merits, uninfluenced by the fact that this Court has granted an interim protection, which, as already observed, is only to enable Petitioner to take recourse to the appellate remedy.

5. Furthermore, it is clarified that the question of limitation, if any, shall be considered by the Appellate Authority, in accordance with law.

6. Dismissed as withdrawn, along with pending applications, with liberty



as aforesaid.

DECEMBER 24, 2024
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SANJEEV NARULA, J