

Sayali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FEMA APPEAL NO.01 OF 2025

**SAYALI
DEEPAK
UPASANI**

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UPASANI
Date: 2025.06.12
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A. P. Parekh

...Appellant

Versus

**The Special Director, Enforcement
Directorate, Mumbai and Others**

...Respondents

Mr B. Seshagopalan with Ms. Lorna Carvalho, for Appellant.

Mr Anil D. Yadav, for Respondent No. 1-E.D.

**Mr. Vinit Jain with A. R. Varma with Gaurav Mhare, for
Respondent No. 2 (UOI).**

**CORAM: M.S. Sonak &
Jitendra Jain, JJ.**

DATED: 11 June 2025

PC:-

1. Heard Mr. Seshagopalan who appears with Ms. Lorna Carvalho for the Appellant and Mr. Anil Yadav for Respondent No. 1 and Mr. Vinit Jain with Gaurav Mhatre for Respondent No. 2 (UOI).

2. We admit this Appeal on the following questions of law

A) Whether, in the facts and circumstances of the case, the impugned order of the Appellate Tribunal in passing order of remand of 16 years delay in passing the Adjudication order passed by the Respondent and non- considering any of the judgments of the various courts would amount to non-application of mind, self- contradictory and therefore unsustainable in law?

B) Whether in the facts and circumstances of the case the Appellate Tribunal is required to take into consideration of the law declared by this Hon'ble Court with regard to jurisdiction of Adjudicating authorities not appointed with special powers under FEMA as Govt. of India has no power to appoint in the absence of amendment under FEMA, 1999 and whether such a failure would amount to statutory prejudice rendering the impugned order illegal and unsustainable in law?

3. Learned Counsel for the Respondents waives service after admission. Accordingly, we place this Appeal for final disposal on 25 June 2025.

4. Mr. Seshagopalan agrees to provide a short synopsis of arguments along with compilation of decisions that he proposes to reply upon in support of this Appeal.

(Jitendra Jain, J)

(M.S. Sonak, J)