

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025-PHHC-004076-DB



Civil Writ Petition No. 14630-2023 (O&M)
Date of Decision: 14.01.2025

Nitish Ghai

.....Petitioner

versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUDHIR SINGH, JUDGE**

Present : Mr. K.S.Dadwal, Advocate for the petitioner.
Mr. Lokesh Narang, Senior Panel Counsel,
for the respondent-ED.

SHEEL NAGU, CHIEF JUSTICE (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India essentially seeking quashing of the proceedings initiated under the Prevention of Money Laundering Act, 2002 and for setting aside the provisional attachment order No. 7/2023 dated 01.06.2023 (Annexure P-3). For ready reference and convenience, the prayer clause is reproduced hereinbelow:-

- i) *To issue an appropriate writ, order or direction, directing the respondent No.3 to produce the entire record concerning to the present case and after perusing the same, issue a writ in the nature of certiorari for quashing whole proceedings initiated under the Prevention of Money Laundering Act, 2002 and also provisional attachment order No. 7/2023 dated 01.06.2023 (Annexure P-3) issued by respondent No.3 whereby provisional attachment of property has been ordered while exercising the powers under Section 5(1) of the Prevention of Money Laundering Act, 2002, without any rhyme or reason as well as basis.*
- ii) *Further to issue a writ of prohibition restraining the respondents from further proceedings with the matter in controversy concerning to the petitioner, keeping in view the peculiar facts and circumstances and especially the fact that no ground is available, which*

attracts the provisions of the Prevention of Money Laundering Act, 2002 as would be apparent from the narration of factual matrix, which is being explained in the present petition.”

2. Learned counsel for the respondent-ED informs that the provisional attachment order dated 01.06.2023 has been confirmed vide order dated 23.10.2023 (Annexure P-8) which in turn has been challenged by the petitioner before Appellate Tribunal under SAFEMA at New Delhi in MP-PMLA-14271/JL/2023(stay)-FPA-PMLA-7028/JL/2023 and the same is pending consideration for 19.02.2025.
3. So far as the proceedings under the PMLA Act are concerned, the same have matured into filing of a complaint before the Special Court which took cognizance of the matter on 20.11.2024 in CIS No.COMA-26/2024.
4. In view of the above and due to the subsequent events having taken place and the petitioner having challenged the order of attachment in the Appellate Tribunal, where appeal is pending and the trial Court having taking cognizance of the matter, this Court refrains from commenting upon the merits of the case and disposes of the petition with liberty to the petitioner to avail all possible remedies available to him under law before the trial Court and to pursue the remedy before the Appellate Tribunal.
5. With the aforesaid liberty, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SUDHIR SINGH)
JUDGE

14.01.2025
ravinder

Whetherspeaking/reasoned	√Yes/No
Whetherreportable	Yes/No√