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

\+ W.P.(C) 1708/2025, CM APPL. 8251/2025

MRS KANTA KATYAL & ORS. .....Petitioners

Through: Mr. Mohit Mathur, Sr. Advocate along with Ms. Vibha Dutt Makhija, Sr. Advocate, Mr. Gurpreet Singh and Mr. Bakul Jain, Advocates.

versus

UNION OF INDIA & ORS. .....Respondents

Through: Mr. Zoheb Hossain (SPC), Mr. Manish Jain, Mr. Vivek Gurnani, Mr. Azeez Mushtaque, Mr. Kunal Kochhar, Advs. (For ED)
Mr. Jaswinder Singh, Advs. for R1
Mr. Vikas Pahwa(Sr. Adv) along with Mr. Bakul Jain, Ms. Sanskriti Shakuntala Gupta, Advs.
Mr. Santosh Kumar Rout (SC for PNB) along with Ms. Bharna Veragi, Mr. BN Mishra, Ms. Shilpa Chaurasia, Ms. Pritam Patra, Advs.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

O R D E R

% **06.03.2025**

1. *Vide* order dated 11.02.2025, it was directed as under:-

> *"3. The petitioners have filed the present writ petition challenging the impugned notice dated 06.02.2025, issued under the Prevention of Money Laundering Act, 2002 (PMLA). The said notice directs the petitioners to deposit its Fixed Deposits (FDRs) with the Directorate of Enforcement (ED) within one week.*
> *4. The petitioners further seek an interim stay on the operation and effect of the impugned notice.*
> *5. The impugned notice is reproduced as under –*
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> ***"F. No. ECIR/GNZO/04/2023/ Date: 06.02.2025***

Direction under sub-rule (5) of Rule 4 Prevention of Money-laundering (Taking Possession of Attached or Frozen Properties Confirmed by the Adjudicating Authority) Rules, 2013

Whereas the movable property i.e. Fixed Deposit Receipts, details mentioned below in Table-1 lying with HDFC Bank has been provisionally attached under sub-section (1) of Section 5 of the Act (15 of 2003) vide Provisional Attachment Order No. 06/2024 dated 06.08.2024 issued by Deputy Director of the Directorate of Enforcement, Gurugram Zonal Office, Saraswati Vihar, MG Road, Gurugram, Haryana-122002. The details of the attached FDR are as under:

Table-1: Details of FDRs

Sr. No.	***FD Number***	***Name***	***Bank Branch***
1	*50300537158233*	*Amit Katyal*	*HDFC Bank Limited, B-105, Chitranjan Park, New Delhi-110019*
2	*50300568544765*	*Amit Katyal*	*HDFC Bank Limited, B-105, Chitranjan Park, New Delhi-110019*
3	*50300596586261*	*Amit Katyal*	*HDFC Bank Limited, B-105, Chitranjan Park, New Delhi-110019*
4	*50300627943621*	*Amit Katyal*	*HDFC Bank Limited, B-105, Chitranjan Park, New Delhi-110019*
5	*50300643529281*	*Rajesh Katyal*	*HDFC Bank Limited, B-105, Chitranjan Park, New Delhi-110019*
6	*50300920411460*	*Rajesh Katyal*	*HDFC Bank Limited, B-105, Chitranjan Park, New Delhi-110019*
7	*50300920490664*	*Rajesh Katyal*	*HDFC Bank Limited, B-105, Chitranjan Park, New Delhi-110019*
8	*50300917901317*	*Sangeeta Katyal*	*HDFC Bank Limited, B-105, Chitranjan Park, New Delhi-110019*
9	*50300917906832*	*Sangeeta Katyal*	*HDFC Bank Limited, B-105, Chitranjan Park, New Delhi-110019*
10	*50300050983779*	*M.s Krrish Realtynirman*	*HDFC Bank Limited, Ground Floor, Shop*

		Private Limited	*No.30 & 31, DLF Tower-A, Jasola Vihar, New Delhi-110025*

Whereas the said provisional attachment order was subsequently confirmed by the Ld. Adjudicating Authority constituted under section 6 of the Act, vide order dated 29.01.2025 in Original Complaint number 2410 of 2024.

Whereas the provisions contained under sub-section (4) of section 8 of the Act (15 of 2003) read with sub-rule (5) of Rule 4 Prevention of Money-laundering (Taking Possession of Attached or Frozen Properties Confirmed by the Adjudicating Authority) Rules, 2013) Provide as under"

(5) Where the property confirmed by the Adjudicating Authority is in the form of money lying in a bank or a financial institution, the Authorized Officer shall issue a direction to the bank or financial institution, as the case may be, to transfer and credit the money to the account of the Directorate of Enforcement.

*Now, therefore, in view of the provisions of sub-rule (5) of Rule 4 Prevention of Money-laundering (Taking Possession of Attached or Frozen Properties Confirmed by the Adjudicating Authority) Rules, 2013 HDFC Bank Limited is hereby directed to deposit the FD amount along with the interest accrued on the same of the above mentioned FD Rs at Table-1 lying with HDFC Bank Limited to Directorate of Enforcement in form of demand draft in the favor **of "Joint Director Gurugam Zonal Office" (A/c No. 924020049920405, Axis Bank, MG Road, Gurugram).** The Demand Draft shall be submitted to the office of Deputy Directorate, Directorate of Enforcement, Saraswati Vihar, MG Road, Gururgam within 01 week of receipt of this order."*

6. The impugned notice has been issued pursuant to the order dated 29.01.2025, passed by the Adjudicating Authority, which confirmed the provisional attachment order dated 06.08.2024, whereby the petitioners' FDRs and other properties were attached. However, the petitioners categorically assert that the attached FDRs do not constitute the alleged "proceeds of crime".

7. It is submitted by the learned senior counsel for the petitioners that upon receipt of the order passed by the adjudicating authority, the petitioners immediately took steps to file an appeal under Section 26 of the PMLA.

8. However, the impugned notice (stated to have been received on 10.02.2025) by directing the concerned banks to deposit the total amount

of the attached FDRs with the respondent no.2, seeks to overreach the appellate proceedings.

9. It is submitted that no prejudice shall be caused to the respondents if status quo is maintained as regards the FDRs till the appeal filed by the petitioners is listed before the Appellate Tribunal, since the FDRs already stands attached and the petitioners have no right to deal with the same.

10. Issue notice.

11. Learned counsel, as aforesaid, accept notice on behalf of the respondent nos.1 and 2.

12. Let counter affidavit be filed by the respondents within a period of two weeks from today.

13. In the meantime, it is directed that pending the listing of the appeal filed by the petitioners before the Appellate Tribunal, status quo shall be maintained as regards the concerned FDRs. Thereafter, it shall be open for the Appellate Tribunal to consider whether any interim order is required to be passed in the facts and circumstances of the case. It is made clear that this order shall not be construed as an expression of opinion of this Court in this regard.

14. List on 06.03.2025."

2. Learned senior counsel for the petitioner informs this Court that the appeals under Section 26 of the Prevention of Money Laundering Act, 2002 have been filed before the Appellate Tribunal, however, the same have not yet been listed.

3. He submits that the said appeals are stated to be listed on 02.04.2025 and 21.04.2025. Since, the petitioner has availed appropriate appellate remedy, this Court does not find it apposite to keep the present petition pending. The petitioner is at liberty to pursue its appeal/s already filed before the Appellate Tribunal as already directed *vide* paragraph-13 of the order dated 11.02.2025.

4. *Status quo* shall be maintained as regards the concerned FDRs till the date of listing of the appeal filed by the petitioner before the Appellate Tribunal.

5. Learned senior counsel for the petitioner apprehends that on the date

on which the appeal is first listed, the concerned Bench may not convene. It is clarified that the interim order shall continue only till the date on which the matter is listed and taken up by the duly convened Bench of the Appellate Tribunal.

6. It shall be for the Appellate Tribunal as to whether any interim order/s is required to be passed in the facts and circumstances of the case.

7. The appeal is disposed of in the above terms.

SACHIN DATTA, J

MARCH 6, 2025/*uk*