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

+ **W.P.(C) 5356/2025**

**M/S. MBS IMPEX PRIVATE LITMITED**

.....Petitioner

Through: Mr. Deepak Kr. Agarwal, Adv.  
(through v/c)

versus

**DEPUTY DIRECTOR (ED)**

.....Respondent

Through: Mr. Satya Ranjan Swain, SPC, Mr.  
Vedansh Anand, GP and Mr. Kautilya  
Birat, Adv. for R-1 and 2.  
Mr. Vivek Gurnani, Panel Counsel,  
Mr. Kanishk Maurya and Mr. Azeez  
Mushtaque, Advs. for ED.

**CORAM:**

**HON'BLE MR. JUSTICE SACHIN DATTA**

**ORDER**

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**25.04.2025**

**CM APPL.24403/2025 (Exemption)**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition has been on behalf of the petitioner through its official liquidator, Mr. Santosh Batiya assailing an order dated 18.08.2022, passed by the Adjudicating Authority under the Prevention of Money Laundering Act, 2002 (PMLA Act) in Original Complaint (OC) No. 1639/2022 in PAO No.07/2021 dated 26.08.2021.
4. The impugned order was passed in the backdrop of a written complaint filed by the General Manager, Regional Office of M/s Metals and Minerals Trading Corporation Limited (M.M.T.C), Hyderabad, a Public

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Sector Undertaking alleging that M.M.T.C has been defrauded in purchase of gold bullion under the Buyer's Credit Scheme which has resultantly led to loss of public money. It was alleged that the several officials of M.M.T.C entered into a criminal conspiracy with one Mr. Sukesh Gupta (i.e., the Director of the petitioner company) and fraudulently facilitated the aforesaid defrauding.

5. Pursuant thereto, on 03.01.2013 an FIR no. RC01(A)/2013 came to be registered and subsequently a chargesheet dated 27.11.2014 was filed by the CBI. The said chargesheet named the Director of petitioner company (Mr. Sukesh Gupta) as the main accused. Subsequently, *vide* order dated 18.11.2022, the Principal Judge for the CBI cases arrayed two companies i.e. M/s M.B.S Jewellers Pvt. Ltd and petitioner company (M/s M.B.S Impex Pvt. Ltd) as co- accused (accused no.11 and 12 respectively) in the aforesaid case.

6. On the basis of the said FIR, concurrently an Enforcement Case Information Report (ECIR) No. ECIR/05/HZO/2014 dated 25.02.2014 also came to be filed by the Enforcement Directorate, Hyderabad. Thereafter, a Provisional Attachment order dated 26.08.2021 was passed by the Enforcement Directorate, Hyderabad, whereby, 45 properties of the accused persons were identified for attachment. Consequently, Original Complaint (OC) No. 1639/2022 under Section 5(5) of the Prevention of Money Laundering Act, 2002 came to be filed, wherein, *vide* the impugned order, properties of accused including the petitioner came to be attached. The properties of petitioner which were attached *vide* the impugned order reads as under:

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| Sl No. | Doc No.                                 | Description of the Property                                                                                                         | RO/SRO         |
|--------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 1      | 15099<br>registered in<br>the year 2006 | 5 Acres in Sy. No. 44/5/1, Part 44/5/2, Mahabubpet Maktha, Seriingampally Mandal.                                                   | Ranga Reddy RO |
| 2      | 15876<br>registered in<br>the year      | 2 Acres in Sy. No. 44/5/1, Part 44/5, Mahabubpet Maktha, Seriingampally Mandal.                                                     | Ranga Reddy RO |
| 3      | 15878<br>registered in<br>the year 2006 | 5 Acres in Sy. No. 44/5/1, Part 44/5/2, Mahabubpet Maktha, Seriingampally Mandal.                                                   | Ranga Reddy RO |
| 27     | 5276<br>registered in<br>the year 2008  | 10 Acre 08 guntas, Sy. No. 172/5 & 172/8, Hydernagar Village, Balanagar Mandal, RR Dist.                                            | Kukatpally     |
| 33     | 1151<br>Registered in<br>the year 2007  | Bungalow No. 109, New No.1-7-252 to 254 (Part & parcel) admeasuring 1500 Sq yards situated at Oxford Street, SD Road, Secunderabad  | Secundrabad    |
| 34     | 1152<br>registered in<br>the year 2007  | Bungalow No. 109, New No.1-7-252 to 254 (Part & parcel) admeasuring 1500 Sq yards situated at Oxford Street, SD Road, Secunderabad. | Secunderabad   |
| 35     | 3709<br>registered in<br>the year 2007  | 5 Acres in Sy. No. 65/2, Khanapur Village, Rajendranagar Mandal.                                                                    | Rajendranagar  |
| 44     | 2193<br>registered in<br>the year 2009  | Ac. 2.06 Gunta equivalent to 35453 (25047 + 10406) Sq. Yds, Sy No. 172/4 Hydernagar                                                 | Kukatpally     |

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7. While the aforesaid proceedings were pending, simultaneously, in insolvency proceedings of the petitioner company before the NCLT, an official liquidator (Mr. Santosh Batiya) came to be appointed.

8. In the above circumstances, the petitioner in the present petition through its liquidator seeks that the aforesaid properties which have been attached *vide* the impugned order be released from attachment and be placed in the custody of the official Liquidator of the petitioner company.

9. After some hearing, it is acceded that the order passed by the Adjudicating Authority is appealable before the PMLA Appellate Tribunal under Section 26 of the PMLA, 2002. Accordingly, learned counsel for the petitioner seeks that the petitioner be relegated to pursue its remedies before the concerned Appellate Forum. It is directed accordingly.

10. In the event of an appeal being by the petitioner, let the same be duly considered by the appellate authority. The appellate authority may also take note of the peculiar facts and circumstances of the case for the purpose of adjudging any application for condonation of delay that may be filed by the petitioner.

11. The petition is disposed of in the above terms.

**SACHIN DATTA, J**

**APRIL 25, 2025/cl**