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

\+ CRL.REV.P. 539/2025 & CRL.M.As. 38180-38183/2025

RICHA BHARADWAJ & ANR. .....Petitioners

Through: Ms. Rebacca John, Mr. Anurag Ahluwalia and Mr. Vaibhav Gaggar, Senior Advocates with Mr. Akash Arora, Mr. Swanit Chaudhry, Ms. Anushka Barua, Mr. Akash Kumar and Mr. Dhruv Dewan, Mr. Vansh, Advocates.

versus

ENFORCEMENT DIRECTORATE & ANR. .....Respondents

Through: Mr. Vivek Gurnani, Panel Counsel with Mr. Kanishk Maurya and Mr. Vivek Gaurav, Advocates for R-1.

Mr. N. Hariharan and Mr. Gautam Narayan, Senior Advocates with Mr. Harshit Sethia, Mr. Jai Sikand and Ms. Mansi, Advocates for R-2.

Mr. Aman Lekhi, Senior Advocate with his briefing counsel. (*Appearance not given*.)

Mr. Atmaram N.S. Nadkarni, Senior Advocate with Ms. Kanika Singhal and Mr. Shivam Singh Rana, Advocates for IRP of three C. Shelter.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **23.12.2025**

1. This revision petition is directed against order dated 27th November, 2025, passed by the Court of ASJ-02, South-East District, Saket Courts,

New Delhi (Special Court dealing with proceedings under the Prevention of Money Laundering Act, 2002[1]), in Misc. No. 1337/2025 [CT No. 09/2025], an application moved by Respondent No. 2 under Section 8(8) PMLA.

2. By the impugned order, the aforenoted application has been allowed and the property attached by Provisional Attachment Order No. 12/2025 dated 28th March, 2025 and 29th March, 2025 (in ECIR No. ECIR/GNZO-11/2024) has been directed to be restored "*as per Rules*", with a further direction that the IRP shall abide by the undertaking submitted before the Special Court.

3. The Petitioners confine the present challenge to Table 27, Asset at Serial No. 6 in the Provisional Attachment Order. For ease of reference, the relevant entry reads as follows:

"***Table 27: Details of properties liable to be attached under section 5 read with section 2(1)(u)of PMLA, 2002***

S. No.	*Name of the Entity*	*Address*	*Value of the Property in INR (Circle Rate/Book Value/Market Value)*
1.	*Lavender Infra Projects Private Limited*	*Plot NO. A-3a, District Centre, Phase II, Nehru Place*	*273,99,60,000*
2.	*Land in the name of Nirmal Singh*	*Jhanjheri, Tehsil Kharar, Distt. SAS Nagar, Punjab*	*1,80,00,000*
3.	*Land in the name of Nirmal Singh*	*Mechlikala, Tehsil Kharar, Distt. SAS Nagar, Punjab*	*4,70,00,000*
4.	*Lotus Valley Global LLP*	*Piece of land at Gajjar, Garhshankar, Punjab admeasuring 13. 75 acres*	*3,45,11,500*
5.	*White Lotus Projects*	*Piece of land at*	*3,04,72,650/-*

[1] "PMLA"

	LLP	*Mehdood, Garhshankar, Punjab admeasuring 14 acres*	
6.	*Solitaire Security Services Private Limited is Rs. 108.04 (Rs. 635.54 * 17% equity shares).*	*17% equity shares*	*108,04,00,000*
	Grand Total		***391,98,71,500***"

4. Ms. Rebecca John, senior counsel appearing for the Petitioners, assails the impugned order on two principal grounds. First, it is urged that an application seeking restoration "*during trial*" under the second proviso to Section 8(8) PMLA cannot be considered before the stage contemplated by the Prevention of Money Laundering (Restoration of Confiscated Property) Rules, 2016, particularly Rule 3A(1), which predicates such consideration "*after framing of the charge*" under section 4 of PMLA. Second, and more fundamentally, it is submitted that the procedure mandated by Rule 3A has not been followed. In particular, Rule 3A(4) bars any restoration order "*without giving an opportunity of being heard to the owner of the property*".

5. It is pointed out that the impugned order does not record any submissions on behalf of the Petitioners, and no notice of the application was issued to them, despite the application directly affecting the attached asset in which the Petitioners claim interest. Ms. John emphasises that this is not a mere irregularity of form. A restoration direction under Section 8(8), even when framed as an interim arrangement "*during trial*", is capable of materially altering custody, control and the economic incidents of the attached property. Any such order, therefore, must be preceded by strict compliance with the statutory procedure and with the minimum

requirements of fair hearing.

6. Mr. N. Hariharan, senior counsel for Respondent No. 2, on instructions, states that Respondent No. 2 (Greenopolis Welfare Confederation) has no objection to the matter being remanded for fresh consideration limited to Asset No. 6 in Table No. 27, with liberty to all parties to raise their contentions before the Special Court. He requests that the Special Court be directed to decide the application within a defined timeline. This statement is recorded as being without prejudice to the rights and contentions of Respondent No. 2 on merits, and to object the locus of the Petitioners, and is confined to Asset No. 6 in Table No. 27.

7. Mr. Atmaram N.S. Nadkarni, senior counsel appearing for the IRP of Three C. Shelters Pvt. Ltd., also draws attention to an order stated to have been passed by the Supreme Court in proceedings titled ***Vivek Suri v. M/s Three C. Shelters Private Limited & Anr.*** (Case No. 13877/2025), and submits that the directions in the present matter may be structured so as to preserve the efficacy of proceedings before the fora concerned.

8. This Court is not persuaded to sustain the impugned order insofar as it concerns Asset No. 6 in Table No. 27, for a short but decisive reason. The statutory safeguards embedded in Rule 3A were not adhered to. Two features of Rule 3A are central. First, Rule 3A(1) contemplates consideration by the Special Court "*after framing of the charge*" under section 4 of PMLA, and further contemplates publication of a notice in two daily newspapers calling upon claimants to submit and establish claims. Second, Rule 3A(4) creates an explicit bar: no restoration order shall be passed without giving an opportunity of hearing to the owner of the property. Even leaving aside the question whether the stage contemplated by

Rule 3A(1) had arrived, the requirement under Rule 3A(4) admits of no dilution. Where a restoration direction operates upon identified attached property, and an affected owner asserts a stake, the Special Court must, at the minimum, issue notice and afford a fair opportunity of being heard. An order passed without such opportunity cannot be sustained, quite apart from the broader principle of *audi alteram partem*.

9. The present case stands on an even surer footing for interference, since the Petitioners were not afforded any hearing at all, and the impugned order does not reflect compliance with Rule 3A(4). In fact, as noted above, Mr. N. Hariharan, Senior Counsel for Respondent No. 2, is are agreeable to a fresh decision being rendered in a time bound manner.

10. Accordingly, the impugned order dated 27th November, 2025, is set aside only insofar as it relates to Asset No. 6 in Table 27 (17% equity shares of Solitaire Security Services Pvt. Ltd.). The application under Section 8(8) PMLA shall stand remanded to the Special Court for fresh consideration limited to the said asset.

11. It is clarified that all rights and contentions of the parties are left open, including those of the Directorate of Enforcement, and including the Petitioners' objections on maintainability, stage, and compliance with Rule 3A. The Special Court shall decide the application uninfluenced by any observations in the impugned order on merits, and shall ensure compliance with Rule 3A, including the requirement of hearing to affected owners as contemplated under Rule 3A(4).

12. The Petitioners may file a reply to the application under Section 8(8) PMLA, within three weeks from today. Rejoinder, if any, shall be filed within two weeks thereafter.

13. The parties shall appear before the Special Court on 23rd February, 2026. The Special Court is requested endeavour to decide the application expeditiously, preferably within a reasonable time thereafter.

14. With the above directions, the present petition is disposed of along with pending applications, if any.

SANJEEV NARULA, J

DECEMBER 23, 2025

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