

S/L 2
23.04.2026
Court. No. 25
Suvayan

WPA 9942 of 2026

**Sri Sujit Bose
Vs.
Union of India & Ors.**

*Mr. Amales Ray, Sr. Adv.
Mr. Subharakanti Roy Chowdhuri
Ms. Mousumi Bhowal
Mr. A. Gupta
Mr. Ishan Bhattacharya*

...for the petitioner.

*Mr. Asok Kumar Chakrabarti, Ld. ASGI (through V.C.)
Mr. Nilanjan Bhattacharjee (through V.C.)
Mr. Guddu Singh*

...for the respondent no. 1.

*Mr. S. V. Raju, Ld. ASGI
Mr. Dhiraj Kumar Trivedi, Ld. DSGI
Mr. Zoheb Hossain
Mr. Adil Rashid
Mr. Samrat Goswami
Ms. Sneha Santra
Ms. Singdha Ghosh*

...for E.D.

1. The petitioner though have challenged the summon issued by the Assistant Director, LKZO-II, Kolkata Zonal Office-II, Enforcement Directorate but in the alternative he has prayed either to allow the son of the petitioner to appear before the E.D. in terms of the summon issued by the Enforcement Directorate or to extend the time for appearance of the petitioner in-person till May 15, 2026.
2. The main grievance of the petitioner in the present writ application that in terms of the order passed by the co-ordinate Bench of this Court in WPA 9979 of 2022 dated April 21, 2023, the CBI had initiated a case on April 22, 2023 for the offence alleged under Sections

120B/420/467/468/471/34 of the IPC read with Sections 7/7A/8/18/12/13(2) of Prevention of Corruption Act.

3. Learned counsel for the petitioner submits that after initiation of the FIR, the ED had conducted the search in the house of the petitioner and bunch of documents and one I phone was seized. On completion of investigation, CBI has submitted the charge-sheet but the petitioner was not included. Subsequently, CBI has again submitted a supplementary charge-sheet. In the supplementary charge-sheet also the name of the petitioner was not included. Now all of a sudden on April 2, 2026, the ED has issued a summons to the petitioner to appear before the ED on April 4, 2026. On receipt of the said summons, the petitioner has submitted a request to the ED informing that the petitioner has been nominated to contest the election in the Bidhannagar Assembly Constituency and he is going to file the nomination on April 6, 2026 and he prays for time to appear before the authority till May 15, 2026.
4. After receipt of the reply of the petitioner, the ED again issued a notice to the petitioner on April 7, 2026 directing the petitioner to appear before the authority on April 9, 2026. On April 9, 2026 again the petitioner has submitted the representation requesting the ED to grant some time to appear before the authority on May 15, 2026. Again the ED has issued a notice on April 9, 2026 directing the petitioner to appear before the authority on April 11, 2026. On April 11, 2026 the petitioner has given an authorisation along with the power of attorney to his

son viz. Somudro Bose and requested the ED authorities to allow the son of the petitioner being the representative of the petitioner to appear before the Enforcement Directorate in terms of the summons issued to the petitioner. The Enforcement Directorate has not considered the request made by the petitioner and again on April 21, 2026 a summons has been issued to the petitioner directing the petitioner to appear before the authority on April 24, 2026.

5. Now the petitioner has filed the present application and submits that Section 50 Sub-Clause (3) provides that the summoning person or the legal representative can appear before the authority but in the present case the petitioner has authorised his son to appear as authorised representative of the petitioner but the ED authorities have not allowed the petitioner to appear as the representative of the petitioner. He submits that the petitioner has already submitted his nomination and he is contesting the West Bengal Assembly Election from Bidhannagar Constituency and voting date is April 29, 2026 and as such he requested the authorities to allow the petitioner to appear before the Enforcement Directorate on May 15, 2026.
6. The petitioner has relied upon the judgment in the case of ***Nalini Chidambaram vs. Directorate of Enforcement, represented by its Director & Ors.*** reported in ***2018 SCC OnLine Mad 14055*** and submits that Sub-Clause (3) to Section 50 states that the persons who received such summons from the competent

authorities under PMLA is bound to attend in person. However, the authorised agents are also permitted to attend the investigation on behalf of the person against whom such summon was issued. He submits that in the present case the petitioner has sent his son as a representative but the authorities have not allowed the son of the petitioner to appear before the authorities as representative.

7. The petitioner has further relied upon the judgment in the case of ***Pankaj Bansal vs. Union of India & Ors.*** reported in **(2024) 7 SCC 576** and submits that being a premier investigating agency, charged with the onerous responsibility of curbing the debilitating economic offence of money laundering in our country, every action of ED in the course of such exercise is expected to be transparent, above board and conforming to pristine standards fair play in action. He submits that in the present case though the case has been initiated in the year 2022 subsequently, the house of the petitioner as well as the restaurant of the son of the petitioner is also being searched and the CBI submitted the charge-sheet. Now when the ED authorities came to know the petitioner is contesting the election has issued summons to appear in-person.
8. The petitioner has also relied upon the judgment in the case of ***Vijay Madanlal Choudhary & Ors. vs. Union of India & Ors.*** reported in **(2023) 12 SCC 1** and submits that the authorities under the 2002 Act cannot resort to action against any person for money

laundering on an assumption that the property recovered by them must be proceeds of crime and the scheduled offence has been committed, unless the same is registered with the jurisdiction police or pending inquiry by way of complaint before the competent forum.

9. Mr. Raju, learned ASGI appearing for the Enforcement Directorate submits that the writ petition filed by the petitioner is not maintainable. As the petitioner has challenged the summons issued by the ED for appearance of the petitioner in-person for investigation but instead of appearing before the investigating agency the petitioner has filed the present application. He has relied upon the judgment passed by the Hon'ble Supreme Court in ***Writ Petition (Criminal) No. 109 of 2013*** in the case of ***Kirit Shrimankar vs. Union of India & Ors.*** dated November 20, 2014 wherein the Hon'ble Supreme Court has held that challenging the summon issued by the Enforcement Directorate for appearance of the person during enquiry/investigation is a premature and the petitioner cannot seek any remedy under Article 226 of the Constitution of India. He further relied upon the judgment in the case of ***C. M. Raveendran vs. Union of India represented by the Secretary, Government of India, Ministry of Finance, Department of Revenue & Anr.*** reported in ***2020 SCC OnLine Ker 7555*** and submits that a person issued with the summons is bound to attend in person or through authorised agents, as the officer issuing the summons directs and is bound to stated the truth upon

any subject respecting which he is examined or makes statements and to produce such documents as may be required. By referring the said judgment submits that the Enforcement Directorate has issued the summons to appear before the Enforcement Directorate for recording the evidence and if required some documents is to be produced but the petitioner is avoiding to appear before the authority in terms of the summons.

10. He further relied upon the judgment in the case of ***Virbhadra Singh & Anr. vs. Enforcement Directorate & Anr.*** reported in ***2017 SCC OnLine Del 8930*** and submits that the law declares that every such person who is summoned is bound to state the truth. At the time of such investigative process, the person summoned is not an accused. Mere registration of ECIR does not make a person an accused. He may eventually turn out to be an accused upon being arrested or upon being prosecuted. No person is entitled in law to evade the command of the summons issued under Section 50 PMLA on the ground that there is a possibility that he may be prosecuted in the future.
11. Heard the learned counsel for the respective parties perused the materials on record.
12. Though in the present writ application in prayer (a) the petitioner has prayed for recalling/setting aside the impugned summons dated April 21, 2026 but in the alternative the petitioner has prayed for allowing the son of the petitioner be present before the authority being a representative of the petitioner or the time to be extended

to appear before the authority after May 15, 2026. At the time of hearing, the petitioner submitted that he is not pressing the prayer (a). Either the son may be allowed to appear before the Enforcement Directorate as a representative of the petitioner or the petitioner may be allowed to appear in-person after May 15, 2026.

13. Being the situation as the petitioner is not pressing for quashing of the summons thus this Court can entertain the writ application only to see whether the representative of the petitioner under Section 50(3) of the PMLA Act can be allowed to appear before the Enforcement Directorate or the time can be extended to the petitioner to appear before the ED authority.
14. This Court finds that since April 2, 2026, the Enforcement Directorate has issued several notices to the petitioner and the petitioner has responded to the said notices. It is the specific case of the petitioner that the petitioner is contesting the West Bengal Assembly Election from the Bidhannagar Constituency and the polling date is on April 29, 2026.
15. The petitioner made request to ED to allow to son of the petitioner to be present before ED being representative of the petitioner but the ED has not accepted the said request. This Court finds that the authorities are of the view that the personal appearance of the petitioner is required.
16. This Court finds that the petitioner is having genuine reason for not appearing before the ED authority as he contesting election and date of polling is on April 29,

2026 and the petitioner in his request also assigned the same reason.

17. Considering the special circumstances the petitioner is directed to appear before the ED on May 1, 2026 at 10.30 a.m. without fail instead of April 24, 2026.
18. **WPA 9942 of 2026** is disposed of.
19. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)