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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MISC. APPEAL (FEMA) 17/2025 & CM APPL. 59722/2025,**
CM APPL. 59723/2025

PRAVEEN SHARMA

.....Appellant

Through: Mr.Yog Verdhan, Adv.

versus

**THE SPECIAL DIRECTOR, DIRECTORATE OF
ENFORCEMENT**

.....Respondent

Through: Mr.Vivek Gurnani, Panel
Counsel for ED with
Mr.Kanishk Maurya, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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06.05.2026

1. This appeal has been filed under Section 35 of the Foreign Exchange Management Act, 1999 ("FEMA") read with Section 54 of the Foreign Exchange Regulation Act, 1973 ("FERA") challenging the order dated 01.07.2025 passed by the Appellate Tribunal under SAFEMA at New Delhi (hereinafter referred to as 'impugned order') in appeal bearing no. FPA-FE-3/DLI/2012, titled ***Praveen Sharma v. The Special Director, Directorate of Enforcement, Delhi***, dismissing the appeal filed by the appellant herein.

2. One of the contentions raised by the appellant in the present appeal is that the appeal was heard on 25.03.2025 by a Single Member



of the Appellate Tribunal, however, the impugned order reflects that it has been passed by a two-member Bench of the Tribunal, thereby showing a total non-application of mind and rendering the order *coram non judice*.

3. The above plea of the appellant has not been contested by the respondent in the counter affidavit. A copy of the same has been supplied to us by the learned counsel for the respondent.

4. In view of the above facts, we are of the opinion that the impugned order cannot be sustained. A Member, who has not heard the appeal, cannot be part of a Bench deciding the same. Such an order rendered by a Bench which includes a member who did not hear the matter, is unsustainable and is *non est* in law.

5. Accordingly, we have no option but to set aside the impugned order and restore the appeal of the appellant before the learned Tribunal.

6. The learned counsel for the appellant submits that the appeal was pending adjudication before the learned Tribunal since the year 2012.

7. Keeping in view the above, we direct the learned Appellate Tribunal to expedite the hearing of the appeal filed by the appellant. We further direct that the appeal shall be heard by a Bench of which the two members who have passed the impugned order are not a part.

8. The parties shall appear before the learned Appellate Tribunal on 03.07.2026 for further directions. In case the record of the appeal is received by the Registry from the Appellate Tribunal, the same shall be returned to the learned Appellate Tribunal.



9. The appeal, along with the pending applications, is disposed of in the above terms.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

MAY 6, 2026/rv/pb