

M/S Hamilton Housewares Pvt. Ltd vs Directorate Of Enforcement on 17 August, 2020

Author: Navin Chawla

Bench: Navin Chawla

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 5235/2020& CM No.18868/2020
M/S HAMILTON HOUSEWARES PVT. LTD. Petitioner
Through Mr.Vijay Aggarwal, Mr.Mudit Jain,
Ms.Barkha Rastogi,
Mr.DeepanshuChoithani, Mr. Naman
Joshi and Mr.Shailesh Pandey, Advs.

versus

DIRECTORATE OF ENFORCEMENT Respondent
Through Mr.Amit Mahajan, CGSC

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
ORDER

% 17.08.2020

1. This hearing has been held by video conferencing.

2. The learned counsel for the respondent, on instructions, submits that the bank account of the petitioner has been ordered to be frozen on a request received from the Government of Brazil and executed under Section 60 (6) of the Prevention of Money Laundering Act, 2002. He submits that in the request so received, there is no mention of any particular amount to be frozen. The request relates to the entire amount standing credit to the petitioner in the bank account.

3. The learned counsel for the respondent further submits that on the representation being received from the petitioner and other entities whose bank accounts were similarly ordered to be frozen, the respondent has requested the Government of Brazil for clarifications and a meeting in this regard is scheduled to be held on 20.08.2020.

4. The learned counsel for the petitioner, however, reiterates that the request of the Government of Brazil is only with respect to a transaction relating to 20,000 U.S. Dollars. He submits that the petitioner be allowed to transact in the bank account keeping the amount presently standing to the credit of the said account as frozen. He further submits that an application under Section 17(4) of

the Act has been filed before the Adjudicating Authority.

5. Having considered the submissions made, the petitioner is allowed to transact in the bank account by making deposit of money in the same and withdrawing/transferring the amount so deposited. The Respondent is directed to place on record before the next date of hearing, a copy of application, if any, filed by it under Section 17(4) of the Act.

6. List on 26th August, 2020.

NAVIN CHAWLA, J AUGUST 17, 2020/Arya