

Neeraj Singhal vs Union Of India & Anr on 18 January, 2019

Author: Hima Kohli

Bench: Hima Kohli, Manoj Kumar Ohri

\$~7

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(CRL) 166/2019 & Crl M.A. 1159-1161/2019

NEERAJ SINGHAL

..... Petitioner

Through

Mr. Akhil Sibal, Sr. Adv. with Ms.
Ranjana Roy, Mr. Arshdeep Singh,
Mr. Sumit Bindal, Mr. Akshat Gupta,
Mr. Pradeep, Adv.

versus

UNION OF INDIA & ANR

..... Respondents

Through

Mrs. Maninder Acharya, ASG with
Mr. Amit Mahajan CGSC, Ms.
Mallika Hiremath, Mr. Viplav
Acharya, Mr. Harshul Chaudhary,
Adv.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% 18.01.2019

1. The present petition has been filed by the petitioner praying inter alia for quashing/setting aside the ECIR bearing No. F.NO.ECIR/09/DLZO/2015/AD/PMLA dated 31.03.2015, registered by the respondent/ED as also all the proceedings emanating therefrom. Besides the above, the petitioner has challenged the vires of Sections 19 and 24 of the PMLA inter alia alleging violation of Articles 14 and 19 of the Constitution of India.

2. At the outset, we have enquired from Mr. Akhil Sibal, learned Senior Advocate appearing for the petitioner as to whether any steps have been W.P.(CRL) 166/2019 page 1 of 3 taken by the petitioner so far to lay a challenge to the order dated 15.11.2018. He states that in December 2018, WP(C) No. 3776/2018 was filed by the petitioner for quashing/setting aside of the summons dated 15.11.2018, arising from the subject ECIR and an interim order was passed thereon by the learned Single Judge on 12.12.2018, to the effect that the Directorate of Enforcement shall not take any coercive steps in respect of the summons dated 15.11.2018.

3. Surprisingly, the order dated 12th December, 2018, has not been filed along with the paper-book. Learned Senior Advocate for the petitioner states that though a copy of the order dated 12.12.2018 passed in the captioned writ petition has not been filed separately, reference thereto has been made in the body of the petition. A copy of the order dated 12.12.2018, has been handed over and on

perusing the same, it is noticed that the captioned writ petition is next listed on 13.03.2019.

4. We are of the opinion that if the petitioner had a grievance in respect of the ECIR dated 13.11.2018, then he had all the opportunity to seek quashing thereof when the captioned writ petition was filed by him, particularly when the grounds with regard to the registering of the ECIR were specifically taken therein. This would only amount to multiplicity of litigation.

5. At this stage, Mr. Sibal, learned Senior Advocate for the petitioner states on instructions from the briefing counsel that the petitioner may be permitted to withdraw the present petition while reserving his right to amend the pending writ petition.

6. Without expressing any opinion on the merits of the pleas taken in the W.P.(CRL) 166/2019 page 2 of 3 present writ petition, the same is disposed of as not pressed along with pending applications with liberty granted to the petitioner as prayed for above. As and when the petitioner seeks permission to amend WP(C) No.3776/2018, the respondents shall be entitled to take all the pleas in opposition that may be available to them in law.

7. File be consigned to the record room.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

JANUARY 18, 2019/j/sm

W.P. (CRL) 166/2019

page 3 of 3