

Jai Durga Industries & Anr vs Union Of India & Ors on 15 October, 2020

Author: Navin Chawla

Bench: Navin Chawla

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 6314/2020 & CM No.22418/2020 (Stay)
JAI DURGA INDUSTRIES & ANR Petitioners
Through Mr.Ajit K. Sinha, Sr. Adv. with
Mr.Ashwarya Sinha, Mr.Alok K.
Singh, Advs.

versus

UNION OF INDIA & ORS. Respon
Through Mr.Anil Soni, CGSC with Mr.Dev
Dubey, Adv. for R-1.
Mr.Amit Mahajan, CGSC, Ms.Malli
Hiremath, Adv.for R-2 to 4.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
ORDER

% 15.10.2020

1. This hearing has been held by video conferencing.
2. This petition has been filed by the petitioner inter-alia challenging the Show Cause Notice dated 20.02.2020 issued by the Adjudicating Authority, that is, respondent no.3, on a Complaint being OC.No.-1263/2020, under Section 8 (1) of the Prevention of Money Laundering Act, 2002 (hereinafter referred to the Act).
3. The Complaint gives the details of immovable properties to be attached as under:

"Details of immovable/movable properties being Attached (Being held in the name of Shri Ratan Singh, Director of M/s Jai Durga Industries and M/s Drolia Coke Industries Ltd.) S. No. Details/particulars Value at the time of purchase

1. Flat No.T-22-06-01, CWG Village, Rs.4,84,56,016/-

Near Akshardham Temple at Noida (attached to the crossing, located off NH 24,

Delhi- extent of 110092 Rs.70,25,716.40 out of Rs.4,84,56,016/-

Total Rs.70,25,716.40

4. The learned counsel for the respondents, who appears on advance notice, had raised an objection on the territorial jurisdiction of this Court, placing reliance on the judgement dated 05.12.2018 of this Court in WP(C) 12494/2018, titled Aasma Mohammed Farooq and Anr. vs. Union of India and Ors.

5. The learned senior counsel for the petitioner had refuted the above submission by submitting that this Court would have the territorial jurisdiction inasmuch as not only the Impugned Notice has been issued from Delhi, but even the property which has been attached is situated within the jurisdiction of this Court.

6. I found prima facie merit in the submissions of the learned senior counsel for the petitioner.

7. At this stage, it was put to the learned senior counsel for the petitioners that as the proceedings are pending and are to be adjudicated by the Adjudicating Authority, if the petitioner was ready and willing to deposit the attached amount, that is, Rs.70,25,716.40, by way of a fixed deposit, in lieu of the property, with this Court, with such fixed deposit abiding by the final order passed by the Adjudicating Authority.

8. The learned senior counsel for the petitioner, today, on instructions, submits that the petitioner is ready and willing to make such deposit without prejudice to the rights and contentions of the petitioner as also subject to the outcome of the proceedings before the Adjudicating Authority.

9. In view of the above, while leaving the question of territorial jurisdiction open to be adjudicated is an appropriate case, as the attached amount even as per the complaint is only Rs.70,25,716.40, it is directed that subject to the petitioner making the deposit of said amount by way of a Fixed Deposit with the Registrar General of this Court within a period of six weeks from today, the immovable property, that is, Flat No.T-22-06-01, CWG Village, Near Akshardham Temple at Noida crossing, located off NH- 24, Delhi-110092 shall stand released from the attachment. The amount so deposited with the Registrar General of this Court shall abide by the outcome of the proceedings before the Adjudicating Authority and shall be released in accordance with the directions passed therein. On release of the property, the Fixed Deposit Receipt shall be treated as the property attached under Section 5(1) of the Act in terms of the Provisional Attachment Order dated 17.01.2020 passed by the respondent no.4.

10. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner or the respondents respectively.

11. The petition is disposed of with the above terms. There shall be no order as to costs.

NAVIN CHAWLA, J OCTOBER 15, 2020/Arya