

## Directorate Of Enforcement vs Arun Suri on 20 February, 2019

**Author: Chander Shekhar**

**Bench: Chander Shekhar**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CRL.A. 1270/2018  
DIRECTORATE OF ENFORCEMENT ..... Appellant  
Through: Mr. Amit Mahajan, CGSC with  
Mr. Olson Naibe, Advocate  
versus  
ARUN SURI ..... Respondent  
Through  
CORAM:  
HON'BLE MR. JUSTICE CHANDER SHEKHAR  
ORDER  
% 20.02.2019  
CRL.M.A.50705/2018

Allowed, subject to all just exceptions. The application is disposed of.

CRL.M.A.50706/2018 For the reasons stated therein, delay in filing the appeal is condoned. Application is disposed of.

CRL.A. 1270/2018 & CRL.M.A.50704/2018

1. At the outset, learned CGSC fairly submitted that a Coordinate Bench of this Court, in CRL.A.294/2018, titled Union of India v. Gagandeep Singh, copy whereof is placed on record, had passed the following order:

"In proceedings under the Prevention of Money Laundering Act, 2002 („Act for short), Appellate Tribunal vide order of 16th May, 2017 has stayed the notice under Section 8(4) of the Act without recording any prima facie satisfaction. Learned counsel for appellant submits that under the Act, there is no provision for passing interim orders as the appeal itself has to be disposed of by the Tribunal within a period of six months. It is pointed out that in the instant case, the next date of hearing before the Tribunal is 2nd July, 2019.

Upon hearing and on perusal of impugned order, I find that the statutory appeal against the impugned order lies before this Court and if the impugned order seeking possession of the attached property is stayed without recording prima facie

satisfaction, then this Court cannot step into the shoes of the Tribunal to find out as to why the order under Section 8(4) of the Act has been stayed. Recording the reasons facilitates effective hearing in this appeal. Since the matter is now coming up before the Tribunal for final hearing on 2nd July, 2019, therefore, this Court is not inclined to interfere with the impugned order. But, it is made clear that in such like matters, the interim order ought to be informed with reasons.

Without going into the merits of the case, this appeal is disposed of with aforesaid clarification. The pending application is also disposed of. The concerned Tribunal be apprised of this order forthwith."

2. The aforesaid order has been passed by the Coordinate Bench of this Court with certain observations and directions on the similar facts and circumstances which are requested to be passed in this matter also.

3. Accordingly, the appeal is disposed of with the same observations, directions and clarifications passed in CRL.A.294/2018, titled Union of India v. Gagandeep Singh, except with the change of date before the Tribunal, which, in the present matter, is stated to be 31.7.2019. Pending application is also disposed of.

CHANDER SHEKHAR, J FEBRUARY 20, 2019 tp