



\$~61 & 64

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6309/2025 & CRL.M.A. 26677/2025 FOR NECESSARY ORDERS**

KANTA KATYAL & ANR.

.....Petitioner

Through: Mr. Sandeep Sethi, Sr. Adv., Mr. Gurpreet Singh, Mr. Bakul Jain, Advs.

versus

DIRECTORATE OF ENFORCEMENT GOVERNMENT OF INDIA

.....Respondent

Through: Mr. Zoheb Hossain, Mr. Vivek Gurnani, Special Counsels, Mr. Kaushlendra Vikram, Ms. Pranjal Tripathi, Ms. Ayushi Jain, Mr. Kartik Sabharwal, Advs.

64

+ **CRL.M.C. 6326/2025 & CRL.M.A. 26724/2025 NECESSARY ORDERS**

SMS IT SOLUTIONS PVT LTD

.....Petitioner

Through: Mr. Vikas Pahwa, Sr. Adv., Mr. Pankaj, Mr. Harsh Yadav, Mr. Jasmeet S. Chadha, Advs.

versus

DIRECTORATE OF ENFORCEMENT GOVERNMENT OF INDIA

.....Respondent

Through: Mr. Zoheb Hossain, Mr. Vivek Gurnani, Special Counsels, Mr. Kaushlendra Vikram, Ms. Pranjal Tripathi, Ms. Ayushi Jain, Mr. Kartik Sabharwal, Advs.



CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

%

08.09.2025

CRL.M.A. 26678/2025 & CRL.M.A. 26725/2025 (exemption)

Allowed, subject to all just exceptions.

These applications stand disposed of.

CRL.M.C. 6309/2025 & CRL.M.C. 6326/2025

1. These are petitions for quashing the order dated 26.08.2025, in particular the observation made by the Special Court in para no. 4.9 of the order which records as follows:

4.9 However, the fact remains that prosecution complaint has now been filed before Gurugram Courts. This Court is not the appropriate forum to agitate whether Gurugram Court has the jurisdiction or not. Since, prosecution complaint stands filed before another Court, propriety demands that this Court should not adjudicate the pending applications. The same are accordingly disposed having become infructuous. Parties are at liberty to seek their remedy as per law.

2. Mr. Sandeep Sethi & Mr. Vikas Pahwa Ld. Senior Counsels appearing for the petitioners submit that respondent/ED choose the jurisdiction of Delhi Court on 18.10.2024, when they presented one of the accused persons before the Ld. Special Judge, South District, Saket. Since thereafter, all the proceedings were conducted before the Delhi Court. Petitioners participated in all the proceedings before that Court. However, respondent thereafter choose to file the complaint at Gurugram Court without following the due process of law.



3. It is submitted that the Ld. Special Court ought to have decided the question of jurisdiction for the purpose of deciding application(s) under Section 8(7) of PMLA Act.
4. Mr. Hossain, Ld. Special Counsel appearing for the ED submits that the prosecution complaint stands filed before the competent Court at Gurugram on 27.07.2025. No plea was taken before the Ld. Special Judge that Gurugram Court had no jurisdiction. He submits that application under Section 8(7) of PMLA Act is maintainable only before the Court before which the complaint has been filed. According to him once the complaint has already been filed before the Gurugram Court, the jurisdiction vests only with that Court to deal with any application filed under Section 8(7) of PMLA Act.
5. In rebuttal, Ld. Senior Counsels refute that the Gurugram Court has the requisite jurisdiction to try the complaint.
6. Issue notice. Notice is accepted by Mr. Zoheb Hossain, Ld. Special Counsel for the ED who seeks time to file the reply.
7. Reply/response, if any, be placed on record on or before the next date with advance copy to the petitioner.
8. Re-notify on 24.11.2025.

RAVINDER DUDEJA, J

SEPTEMBER 8, 2025/lks/sk