

GAHC010260582023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6740/2023

AXIS BANK LTD
HAVING ITS CORPORATE OFFICE AT AXIS HOUSE, C-2,
WADIA INTERNATIONAL CENTRE,
PANDURANG BUDHKAR MARG, WORLI,
MUMBAI- 400025.
HAVING ITS BRANCHES AT-
(A)- UDYOG VIHAR BRANCH, VANIJYA NIKUNJ,
ENKAY TOWER, GURUGRAM, HARYANA,
PIN- 122016..
(B). SECTOR 21 C, BRANCH, FARIDABAD, GROUND FLOOR AND
BASEMENT,
SCF/ SCO NO. 141, SECTOR-21C, HUDA,
FARIDABAD, HARYANA, PIN- 121003.
THE BANK IS REPRESENTED BY/ THROUGH ITS BRANCH MANAGER MR.
RUPAM BHUYAN,
GUWAHATI BRANCH GROUND FLOOR,
CHIBBER HOUSE, GS ROAD, DISPUR, GUWAHATI, KAMRUP(M),
ASSAM- 781005.

VERSUS

ENFORCEMENT DIRECTORATE AND 5 ORS
THROUGH ITS ASSISTANT DIRECTOR,
GUWAHATI ZONE-I, RJGARAH ROAD,
BYE LANE NO. 1, HOUSE NO. 20, 2ND FLOOR,
GUWAHATI- 781003, DISTRICT- KAMRUP(M).

2:DEPUTY DIRECTOR
ENFORCEMENT DIRECTORATE
DIMAPUR SUB-ZONEL OFFICE
GUWAHATI
RAJGARAH ROAD

BYE LANE NO. 1
HOUSE NO. 20
2ND FLOOR
GUWAHATI- 781003
DISTRICT- KAMRUP(M).

3:MAHENDRA SHELAR
INSPECTOR OF POLICE
PELHAR POLICE STATION
MIRA-BHAYENDER-VASAI-VIRAR
VARTAK VASAHAT
VANGNPADA
PELHAR
PIN- 401209
MAHARASTRA.

4:N. RAMU
INSPECTOR OF POLICE

CYBER CRIME POLICE STATION

RACHAKONDA POLICE COMMISSIONERATE

L.B. NAGAR
HYDERABAD

TELENGANA
PIN- 500074.

5:LEHRAJ SIYAG
INSPECTOR STATION HOUSE OFFICER

POLICE STATION
MAHAMANDIR

JODHPUR(E)
RAJASTHAN.

6:CYBER ECONOMIC AND NARCOTIC CRIME
POLICE STATION
EAST DIVISION

BANGALORE- 560051

Advocate for the Petitioner : MR. P DAS
Advocate for the Respondent : SC, ED

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

22-11-2023

Heard Shri P. Das, learned counsel for the petitioner-Bank.

It is submitted that two accounts maintained in the petitioner-Bank where subject matter of investigation under the ***Prevention of Money Laundering Act, 2002(PMLA)*** in which orders of debit freeze are in operation and the same has also been confirmed by the adjudicating authority under Section 8 of the said Act. The predicament expressed by the petitioner-Bank is that in spite of such orders of debit freeze, there is a direction by the Enforcement Directorate for debiting the certain amounts from the accounts, which according to the petitioner would constitute violation of the directions passed in the PMLA proceedings.

Shri R. K. D. Choudhury, the learned Dy. SGI appearing for the respondent nos. 1 and 2 has however submitted that there is no conflict of interest as the objective of both the Enforcement Directorate in issuing the impugned directions as well as that of the proceedings under the PMLA under the Central Government is the same.

Be that as it may, this Court is of the opinion that the submissions made by the learned Dy. SGI be placed on record by way of an affidavit based upon which, the writ petition itself can be disposed of without going into the merits.

Let this matter be listed for **motion** again on **04.12.2023** to enable filing of such affidavit.

Balancing the equities, it is directed that till the next date fixed, no coercive action be taken against the petitioner-Bank pertaining to the present issue.

JUDGE

Comparing Assistant