

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 MANISH CHOUDHURY

ORDER

Date : 04.12.2023

Heard Mr. P. Das, learned counsel for the petitioner and Mr. R.K. Deb Choudhury, learned Deputy Solicitor General of India [DSGI] for the respondent nos. 1 & 2.

2. The 2 [two] accounts maintained by the petitioner bank are subject-matter of investigation under the Prevention of Money Laundering Act [PMLA], 2002. It is submitted by the learned counsel for the parties that both the accounts, one maintained at Udyog Vihar Branch and other maintained by Sector 21 C Faridabad, have been freezed by the Adjudicating Authority exercising powers under the PMLA Act, 2002. Mr. Deb Choudhury, learned DSGI has further submitted that the provisional order of attachment has been, later on confirmed by the Adjudicating Authority. It is subsequent to the attachment, the petitioner has received the summons dated 03.10.2022 under Sections 91/102, CrPC containing inter alia a direction to defreeze one of the accounts from the respondent nos. 3 – 6.

3. The matter would require further examination.

4. Issue notice returnable on 10.01.2024.

5. As Mr. Deb Choudhury has appeared and accepted notices on behalf of the respondent nos. 1 & 2, no formal notice needs to be issued in respect of the said respondents. The learned counsel for the petitioner shall serve requisite nos. of extra copies of the writ petition along with annexures, to Mr. Deb Choudhury within 3 [three] working days from today.

6. The petitioner shall take steps for service of notice upon the respondent nos. 3 – 6 by registered post with A/D within 3 [three] working days from today.

7. It is submitted by Mr. Deb Choudhury, learned DSGI that the counter affidavit on behalf of the respondent nos. 1 & 2 has already been filed. As the said counter affidavit is not tagged with the record, Registry to trace out and tag the same with the case record on the next date of listing.

8. It is observed that the interim order passed earlier on 22.11.2023 shall continue till the next date of listing.

JUDGE

Comparing Assistant