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DHURI

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7525 OF 2021

M/s. Lotus Enterprises ... Petitioner
Versus
Union of India and Ors. ... Respondents

Mr. Pranav Badheka with Mr. Nirav Shroff, for Petitioner.
Mr. Harsh Dedhia i/by Mr. Hiten Venegaonkar, for Respondent No.3.

**CORAM: S.J. KATHAWALLA &
ABHAY AHUJA, JJ.**

**DATE : 8th NOVEMBER, 2021
(VACATION COURT)**

P.C. :

1. The learned Advocate appearing for the Petitioner submits that the Adjudicating Authority designated under Section 6 of the Prevention of Money Laundering Act, 2002 (PMLA) passed an Adjudication Order dated 10th September, 2021 (Adjudication Order), a copy of which was received by the Petitioner on 20th September, 2021; the Petitioner has already preferred a statutory appeal on 12th October, 2021 which is within the time prescribed by law, against the Adjudication Order, under Section 26 of the PMLA before the Appellate Tribunal viz FPA Appeal No.4249 of 2021 which is pending as on date; admittedly, the Appellate Authority is not functioning for want of quorum and thus the Petitioner is unable to obtain a hearing of his appeal before the same; the Petitioner has no other alternative but to knock the doors of this Court seeking protection since the Respondent No.1 in the



meantime, has proceeded to attach the money lying in the bank account of the Petitioner.

2. In our view, the Respondent No.1 cannot proceed with the attachment of money lying in the Petitioners' bank account, in the absence of the Petitioner being given an opportunity to have his appeal heard and disposed off on merits by the Appellate Authority. The Petitioner is not responsible for the non-functioning of the Appellate Authority and therefore, cannot be deprived of his legitimate right to Appeal against the impugned Adjudication Order. In view thereof, we restrain the Respondent No.3 from acting on the Adjudication Order until further orders of this Court or by the Appellate Authority, if it starts functioning in the meantime.

3. Stand over to 22nd November, 2021 before the regular Court.

(ABHAY AHUJA, J.)

(S.J.KATHAWALLA, J.)