



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2237 of 2025

Ratikanta Rout

.....

Petitioner

Represented By Adv. –
Mr. Y. Das, Senior
Advocate along with
Mr. Satya Ranjan Mulia

-versus-

***Deputy Director, Enforcement
Directorate, Bhubaneswar and
others***

.....

Opposite Parties

Represented By Adv. –
Mr. Bibekananda Nayak,
Advocate for the E.D.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
16.07.2025

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. Y. Das, learned Senior Counsel, along with G.M. Rath, learned counsel, appearing for the Petitioner and Mr. Bibekananda Nayak, learned counsel appearing for the Enforcement Directorate. Perused the application.
3. Mr. Y. Das, learned Senior Counsel appearing for the Petitioner, at the outset, contended that the present application has been filed challenging the second attachment of the property, which was earlier attached in connection with ECIR No.BBZO/20/2020 by the Directorate of



Enforcement, Bhubaneswar Zonal Office. He further contended that the self-same property which was attached earlier by the Enforcement Directorate. In the aforesaid factual backdrop, learned Senior Counsel appearing for the Petitioner argued that the self-same property, which has already been attached, cannot be attached for the second time. Accordingly, learned Senior Counsel prayed for quashing of the second attachment order, which is the subject matter of dispute in the present application under Section 528 of B.N.S.S. Learned Senior Counsel appearing for the Petitioner further argued that although the present attachment has been done in relation to a mining offence, however, offences under the mining does not come within the definition of predicate offence as defined in the PMLA Act.

4. Mr. Bibekananda Nayak, learned counsel appearing for the Enforcement Directorate, at the outset, raised objection with regard to the maintainability of the present application. He further contended that the procedure of attachment being civil in nature, the present application under Section 528 of BNSS is not maintainable. In the aforesaid context, he also referred to the provisions contained in Section-5(5), Section-8 as well as Section 44(1)(d) of the PMLA Act.

5. On a careful analysis of the preliminary submission of the learned counsel for the parties, this Court is of the view



that the matter requires further examination.

6. Accordingly, learned counsel for the Enforcement Directorate is directed to file his composite objection including the ground with regard to the maintainability of the present application after serving copy thereof on the learned Senior Counsel appearing for the Petitioner by 18th of August, 2025. Rejoinder to such objection, if any, be filed within two weeks thereafter.

7. List this matter on 10th September, 2025 for further hearing.

I.A. No.1640 of 2025

8. Heard the learned counsel for the parties.

9. As an interim measure, it is directed that no coercive action shall be taken against the Petitioner till the next date, subject to the condition that the Petitioner shall not create any third party interest over the property which has already been attached.

(Aditya Kumar Mohapatra)
Judge

Debasis