



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.26651 of 2024

Ajay Kumar Das

....

Petitioner

*Mr. Yashobanta Das, Sr. Advocate along
with Mr. Rajjeet Roy, Advocate*

-versus-

Union of India and others

....

Opposite Parties

*Mr. Gopal Agarwal, Advocate for
O.P. Nos.1 to 3*

CORAM:

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.

01.

ORDER

30.10.2024

This matter is taken up through Hybrid Mode.

2. Since Mr. Gopal Agarwal, learned counsel appears and waives issue of notice on behalf of opposite party nos.1 to 3, adequate numbers of copies of the writ petition be served on him during course of the day.

3. No notice be issued to opposite party nos.4 and 5 for the time being.

4. It is submitted by Mr. Yashobant Das, learned Senior Advocate, assisted by Mr. Rajjeet Roy, learned counsel for the petitioner that within the stipulated period under the statute in terms of Section 26 of the Prevention of Money Laundering Act, 2002, the petitioner has filed an appeal and simultaneously prayed for stay of operation of order of the Adjudicating Authority. While the statutory appeal and application for stay are pending consideration, the Authority has invoked Section 8 of sub-section (4) of the said Act.



5. At this stage, Mr. Gopal Agarwal, learned counsel for the opposite party nos. 1 to 3 on instruction submitted that the subject-money has already been transferred from the Bank to the account of Directorate of Enforcement, Bhubaneswar.

6. Mr. Yashobant Das, learned Senior Counsel appearing for the petitioner vehemently opposed such conduct of the Department by submitting that in spite of best efforts made by the petitioner, the appeal could not be taken up immediately, but the same is directed to be listed on 12.11.2024 by the Appellate Authority. He submitted that it would be an imprudent approach on the part of the Department during pendency of statutory appeal to attach the bank account and get the money transferred to the account of the Directorate as it would render the statutory remedy of appeal nugatory.

7. Mr. Gopal Agarwal, learned counsel appearing for the opposite party nos. 1 to 3 submitted that the Department, after receiving the confirmation order of the Adjudicating Authority, has invoked provisions of sub-section (4) of Section 8 of the Act, which cannot be stated to be illegal. He also submitted that the Department is very much empowered to invoke this provision, as there is no statutory interdiction to exercise such power during the pendency of the appeal.

8. Mr. Gopal Agarwal, learned counsel seeks time to obtain instruction in this regard.

9. List this matter on 13.11.2024.

Signature Not Verified

Digitally Signed
Signed by: ASWINI KUMAR SETHY
Designation: Personal Assistant (Secretary-in-charge)
Reason: Authentication
Location: ORISSA HIGH COURT, CUTTACK
Date: 30-Oct-2024 16:57:10



(M.S. Raman)
Judge