

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Miscellaneous Appeal No. 3562/2019

The Deputy Director, Directorate of Enforcement
Ahmedabad.

----Appellant

Versus

Rahul Gangwal S/o Sh. Mahendra Kr. Gangwal, R/o; C-83
Shyam Nagar, Jaipur

----Respondent

Connected With

D.B. Civil Miscellaneous Appeal No. 3563/2019

The Deputy Director, Directorate of Enforcement,
Ahmedabad.

----Appellant

Versus

Vineet Gangwal, S/o Sh. Mahendra Kr. Gangwal, R/o C-83,
Shyam Nagar, Jaipur

----Respondent

D.B. Civil Miscellaneous Appeal No. 3564/2019

The Deputy Director, Directorate of Enforcement,
Ahmedabad.

----Appellant

Versus

Rahul Gangwal, S/o Sh. Mahendra Kr. Gangwal, R/o C-83,
Shyam Nagar, Jaipur

----Respondent

D.B. Civil Miscellaneous Appeal No. 3565/2019

The Deputy Director, Directorate of Enforcement,
Ahmedabad.

----Appellant

Versus

Vineet Gangwal, S/o Sh. Mahendra Kr. Gangwal, R/o C-83,
Shyam Nagar, Jaipur

----Respondent

For Appellant(s)	:	Mr. R.D. Rastogi, Additional Solicitor General., assisted by Mr. Anand Sharma
For Respondent(s)	:	Mr. S.S. Hora

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE INDERJEET SINGH**

Order

20/08/2019

D.B. Civil Misc. Application Nos.1362/2019 in DB CMA No.3562/2019, 1359/2019 in DB CMA No.3563/2019, 1360/2019 in DB CMA No.3564/2019 & 1361/2019 in DB CMA No.3565/2019:-

1. The question arises under Limitation on an objection of delay. Firstly, arguments were made on behalf of the respondent who urged that under Section 42 of the Prevention of Money Laundering Act, 2002 (hereinafter referred as "Act") the appeal is time barred.

2. It has been brought to the notice of the Court that originally the appeal was filed and preferred before a Single Bench, which held it to be maintainable and under these circumstances, the present appeal was filed on 20.02.2019.

3. The facts of the case are that the order of the Appellate Tribunal under the Act was made on 31.10.2018 and sent to the appellant Deputy Director of Enforcement on 02.11.2018. Although the applicant submits that the copy was received on 03.12.2018, nevertheless, it is submitted by the Additional Solicitor General that in fact it was received on 25.11.2018. The appeal was filed on 20.02.2019. It was originally filed as an appeal before the Single Bench; on account of the Registry's objection that it was a criminal matter, it was registered as such subsequently on 12.07.2019 and it was dismissed with liberty to approach this Court. In these circumstances, on 24.07.2019, the present appeal was registered.

4. This Court has heard counsel for the parties. Although the Registry's objection is that the present appeal is time barred, nevertheless having regard to the expression used under Section 42 (communication), the starting point of limitation in this case would be 02.11.2018. The overall period prescribed by the provision is 120 days. The appellant

entered the Court on 20.02.2019 i.e. within the period so prescribed.

5. In the given facts, we are of the opinion that the subsequent delay, was partly on account of the appellants' mis-appreciation of law and partly because of the court's acts; the Single Judge could well have converted the appeal and referred it to the Division Bench.

6. In view of the foregoing reasons, the Court is of the view that there is no question of delay in approaching this Court since the appellant had filed the appeal on 20.02.2019. The appeals are directed to be registered on the file of the Court.

7. Applications are allowed.

DB CMA Nos.3562/2019, 3563/2019, 3564/2019 & 3565/2019

1. List on 09.09.2019 for hearing.

2. In the meanwhile, it is open to the appellant to file additional documents.

(INDERJEET SINGH),J

(S. RAVINDRA BHAT),CJ