

23.03.2026
Court No.25
D/L No.11
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 6343 of 2026

**Sapna Sureka & Ors.
Versus
Union of India & Ors.**

Mr. Jatin Sehgal
Ms. Noelle Banerjee
Mr. Dipanjan Dey
Mr. Ashish Garg

...for the Petitioners

Mr. Asoke Kumar Chakraborti, Ld. ASG
Mr. Arun Kumar Maiti (Mohanty)
Mr. Sukumar Bhattacharyya

...for the Respondent No.2

Mr. Arijit Chakrabarti
Mr. Debsoumya Basak
Ms. Swati Kumari Singh

...for the Respondent No.3

1. The petitioners have challenged the show-cause notice issued by the Chairperson (Actg), Adjudicating Authority (PMLA) dated 15.11.2025. The primary ground of challenge of the show-cause notice dated 15.11.2025 is that the Adjudicating Authority was coram non iudice. She submits that a single member who is only acting as Adjudicating Authority even not being a judicial member has issued the show-cause notice.
2. Learned counsel for the petitioners submits that the similar issue was raised before this Court in WPA 1490 of 2026 and this Court by an order dated January 28,

2026 has dismissed the writ petition by holding that the adjudicating authority comprising of a single member can pass an order and issue show-cause notice. The order passed by this Court dated January 28, 2026 challenged in SLP being SLP (C) No. 5380 of 2026 and the Hon'ble Supreme Court by an order dated March 9, 2026 has passed the following order.

“Applications for exemption from filing c/c of the impugned judgment, for permission to file additional documents/facts/annexures and for exemption from filing O.T. are allowed.

Issue notice, returnable on 13.05.2026.

There shall be a stay on further proceedings as indicated in the earlier order dated 16.01.2026 passed by this Court in SLP (C) Diary No. 66191/2025, wherein it was stated as under:-

7. Meanwhile, operation of the impugned judgments and orders dated 17.10.2025 and 03.11.2025 as well as that of the learned Single Judge dated 19.07.2022 and 24.01.2023, shall remain stayed subject to the condition that the petitioners will furnish an undertaking before this Court within two days to the effect that they will not alienate the subject properties in any manner and shall not create any third party rights in such properties without prior permission of this Court. However, status quo re: further proceedings before the Adjudicating Authority shall be maintained.

Accordingly, the said order shall apply to the petitioners in these matters as well.”

3. Learned counsel for the petitioners submits that as the Hon'ble Supreme Court has passed an order for maintain *status quo* of the further proceeding before

the adjudicating authority and thus, the similar order can be passed by this Court in the present writ application. Learned counsel for the petitioners submits that unless and until the order of stay is not passed, the adjudicating authority will proceed with the matter and the petitioners will be prejudiced.

4. On the other hand, learned Additional Solicitor General appearing for the Union of India raised the question of maintainability on the ground that the petitioners have challenged the vires of Section 6 of Prevention of Money Laundering Act, 2002 but no notice is issued upon the Attorney General of India. He submits that the notice is to be issued to the Attorney General of India unless and until the notice has not been issued, the writ petition cannot be admitted.
5. He further submits that the Hon'ble Supreme Court in the order dated March 9, 2026 has not stayed the proceeding before the adjudicating authority and only passed an order directing the adjudicating authority to maintain status quo with regard to the proceeding. He further submits that the Hon'ble Supreme Court simply has not passed an order, the Hon'ble Supreme Court has passed an order directing the petitioner to file an undertaking before the Hon'ble Court within two days to the effect that they will not alienate the subject properties in any manner and shall not create any

third party rights in such properties without prior permission of this Court.

6. Learned counsel appearing for the E.D. submits that the Hon'ble Supreme Court has passed an order in the absence of the respondent authorities. He further submits that the petitioners have challenged the order passed by this Court in WPA 1490 of 2026 and other connected matters dated January 28, 2026 before the Hon'ble Supreme Court in an SLP but the order is an appealable order before the Hon'ble Division Bench of this Court.
7. He further submits that show-cause notice was issued on 15.11.2025 with the direction to file reply by 23.12.2025, rejoinder by 30.01.2026 but the petitioners have filed the suit only on 16.03.2026 when the authority has fixed the matter on 19.03.2026.
8. Learned counsel for the E.D. further submits that the Hon'ble Supreme Court has only passed an order for maintain status quo with regard to the further proceeding and, as such, no stay of the proceeding can be passed, the authority can be allowed to proceed with the matter subject to the outcome of the result of the proceeding before the adjudicating authority.
9. Heard the learned counsel for the respective parties.
10. Perused the materials on record.

11. Learned counsel for the petitioners submits that they have not challenged the vires of Section 6 of the PML Act of 2002. He submits that in Prayer B, the petitioners have only mentioned that “from being rendered ultra vires, unconstitutional, illegal and arbitrary” that does not mean that the petitioners have challenged the ultra vires of Section 6 of PMLA, 2002.
12. This Court finds that the similar issue was raised before this Court in WPA 1490 of 2026 wherein this Court has held that the adjudicating authority can exercise the power by sitting singly but the said order has been challenged before the Hon’ble Supreme Court and the Hon’ble Supreme Court has passed an order directing the Adjudicating Authority to maintain status quo with regard to the further proceeding.
13. In view of the order passed by the Hon’ble Supreme Court, the Adjudicating Authority is directed to maintain status quo with regard to the further proceeding of the instant matter until further order of this Court.
14. The petitioners are directed to furnish an undertaking before this Court by 25.03.2026 to the effect that he will not alienate the subject properties in any manner and shall not create any third party rights in such properties without prior permission of this Court.

15. The respondents are directed to file affidavit-in opposition within a period of four weeks. Reply, if any, thereto be filed within two weeks thereafter.

16. List this matter on May 5, 2026.

17. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Krishna Rao, J.)