

04.07.2025

Item No.4
Ct. No. 4
KB

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**WPA/1206/2025
MERCHAND MONGER AGROTECH
PVT LTD AND ANR
VS
UNION OF INDIA AND ORS**

Mr. Probal Mukherjee,
Mr. Debasish Mukhopadhyay,
Ms. Jeenia Rudra,
Ms. Madhushri Dutta
...for the petitioners.

Mr. Joyjit Choudhury,
Mr. Subir Kr. Saha,
Mr. Momenur Rahaman
...for the State.

Mr. Sudipto Kr. Mazumdar
...for respondent no. 1/UOI.

Mr. Dhiraj Trivedi,
Mr. Arijit Chakraborty,
Mr. Ajoy Kr. Singhanian,
Mr. Debsoumya Basak,
Ms. Swati Kumari Singh
...for respondent nos. 4, 5 & 6.

The petitioner is aggrieved by an order dated May 30, 2025, whereby machineries in respect of Bamandanga Tea Estate as mentioned in the said order have been frozen.

Mr. Mukherjee, learned Senior Advocate appearing for the petitioners submits that the authorities have acted arbitrarily and illegally in issuing the order dated March 30, 2025 thereby freezing the entire machinery as mentioned in the

said order, pertaining to the aforesaid tea estate and brining the tea estate to a screeching halt.

Mr. Mukherjee takes this Court through the provisions of Section 17 (1-A) of the Prevention of Money Laundering Act, 2002 (hereafter “PMLA”) and submits that the expression “freeze” should only be deemed to mean a clog/restraint on transfer or dealing with the subject property. He submits that the expression “or otherwise dealt with” must be read *ejusdem generis* with the preceding expression “transfer” and as such freezing could not mean restraining the machineries of the aforesaid tea estate from being operated upon or being functional.

Mr. Trivedi, learned Deputy Solicitor General appearing for the Union of India/respondent nos. 4, 5 and 6 submits that the writ petition itself is not maintainable inasmuch as the petitioner has no *locus* to move this Court challenging the order of freezing.

He takes this Court through the Memorandum of Settlement (Annexure- P-2 of the writ petition) and submits that the petitioner was not given any proprietary right in respect of the machineries that have been frozen. He submits that the said agreement is between the petitioner and the labours’ union and as such, the petitioner could

not have claimed any semblance of right, far less any right akin to that of ownership, over the machineries that have been frozen.

Mr. Trivedi further submits that in any event, this writ petition should be deemed to have spent its force inasmuch as during pendency of the writ petition, after the learned Advocate for the petitioners had sought for time on June 18, 2025, an order of attachment has been passed by the relevant authority. It is submitted that the PMLA provides a complete machinery for redressal of the petitioner's grievances.

Having heard the learned Advocates for the parties and having considered the material on record, it appears that before proceeding further, the present status of the proceeding must be brought on record before this Court. The respondent nos. 4, 5 and 6 shall produce before this Court the order of attachment stated to have been passed in this matter during pendency of the writ petition.

List this matter for further consideration on July 9, 2025.

(Om Narayan Rai, J.)