

04.07.2025
Item No.5
Ct. No. 4
KB

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

**WPA/1207/2025
MERCHANT 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 mentioned in the said order in respect of Samsing Tea Estate 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, pertaining to the aforesaid tea estate, as mentioned in the said

order thereby bringing the said tea estate to a screeching halt.

Mr. Mukherjee takes this Court through the provisions of Section 17 (1-A) of the Prevention and Money Laundering Act, 2002 (hereafter PMLA) and submits that the expression “freeze” used therein 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 from being functional.

Mr. Mukherjee further submits that the summons issued to the petitioner is wholly illegal and as such, the petitioner has also sought quashing thereof.

Mr. Trivedi, learned Deputy Solicitor General assisted by Mr. Chakraborty 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 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 further submitted that the PMLA provides the complete machinery for redressal of the petitioner's grievances.

Mr. Trivedi has further submitted that the challenge thrown to the summons has become redundant inasmuch as the petitioner has already responded to the summons and quashing thereof now will in any event serve no purpose.

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, more so, since it has been

submitted that an order of attachment has been passed. The respondent nos. 4, 5 and 6 shall therefore produce before this Court on the returnable date, 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.)