

ITEM NO.25

COURT NO.16

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 12865/2018

(Arising out of impugned final judgment and order dated 11-01-2018 in WPC No. 5320/2017 passed by the High Court Of Delhi At New Delhi)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

J. SEKAR

Respondent(s)

IA No. 72009/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

Diary No(s). 5616/2019 (XIV)

(FOR CONDONATION OF DELAY IN FILING ON IA 31198/2019
 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 31199/2019

IA No. 31198/2019 - CONDONATION OF DELAY IN FILING

IA No. 31199/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 21-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
 HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Tushar Mehta, SG (NP)
 Mr. Sanjay Jain, A.S.G.
 Mr. Mukesh Kumar Maroria, AOR
 Ms. Shradha Deshmukh, Adv.
 Mr. Zoheb Hussain, Adv.
 Mr. Sandeep Kumar Mahapatra, Adv.
 Mr. Kanu Agarwal, Adv.
 Mr. Yuvraj Sharma, Adv.
 Ms. Ashima Gupta, Adv.
 Mr. Arkaj Kumar, Adv.
 Ms. Tanya Aggarwal, Adv.

Mr. Rishi Sehgal, Adv.
 Mr. Nikhil Jain, AOR
 Mr. Keshavam Chaudhri, Adv.
 Ms. Hargun Sandhu, Adv.
 Ms. Arveen Sekhon, Adv.

Ms. Prabhneer Swani, Adv.
Ms. Divya Jain, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Mr. Sanjay Jain, learned Additional Solicitor General appearing for the petitioners submits that the present matters pertains to the interpretation of the provisions of Section 5(1) and Section 8 of the Prevention of Money Laundering Act 2002 (for short "PMLA Act"). He further submits that the High Court erred in importing the requirement of communication of the expression "reason to believe" applicable for the income tax act proceeding) for the purpose of PMLA Act proceeding.

Mr. Jain refers to the ratio of the three-Judge Bench decision in *Vinay Madanlal Choudhary vs. Union of India* reported in 2022 SCC Online SC 929 to submit that the present matters are covered by the aforesaid judgment.

Ms. Arveen Sekhon, learned Counsel appears for the petitioner in the connected item and she prays for accommodation.

Post the matter after one month.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
COURT MASTER (NSH)