

(2023) 09 ATPMLA CK 0004

Appellate Tribunal Under Prevention Of Money Laundering Act

Case No: MP-PMLA-4437, 4438, 4440, 4441, 4443, 4444, 4446, 4447, 4449, 4450, 4452, 4453/AHD/2018, FPA-PMLA-2289, 2290, 2291, 2292, 2293, 2294/AHD/2018

Ramesh Jagubhai Patel @ Michael

APPELLANT

Vs

Deputy Director Directorate Of
Enforcement

RESPONDENT

Date of Decision: Sept. 21, 2023

Acts Referred:

- Prevention Of Money Laundering Act, 2002 - Section 17

Hon'ble Judges: Balesh Kumar, Member

Bench: Single Bench

Advocate: Jayantak Sud, Mohit D. Ram, Bhagirath Bhai Patel, Bahul Jain, Kartik Jasra, Shivam Nagpal, Munindra Dvivedi

Judgement

Learned counsel for the appellant raised the following three issues:

(A) In spite of the order dated 18.05.2018 of this Tribunal for maintaining status-quo as on that date with respect to the 38 properties attached by the respondent, the properties at Sr. No. 4, 5 & 10 of the list B of immovable property at pages 5 & 6 of the impugned Adjudication Order in Appeal No. FPA-PMLA-2289/AHD/2018 have been released to the Goa State Co-operative Bank vide the order dated 04.07.2018 of this Tribunal in Appeal No. FPA-PMLA-2178/AHD/2018 without any notice to appellants herein.

(B) Again in spite of the aforesaid order of the Tribunal the properties at Sr. No. 19, 20, 21, 22, 24 & 25 of the list B of the immovable property at pages 8 & 9 of the impugned Adjudication Order in Appeal No. FPA-PMLA-2289/AHD/2018 have been allowed to be acquired by the State Government for which the respondent has received Rs. 2,37,28,205/- without any notice to appellants herein.

(C) The Motor Vehicle viz Audi A8 bearing Registration No. DD-03-AG-0009 which was seized under Section 17 of PMLA by the respondent and listed at page 3 of the impugned Adjudication Order in Appeal No. FPA-PMLA-2461/AHD/2018 has been allowed to be degraded in a manner which will significantly impact the value of the seized car. Also no action has been taken by the respondent on the Indian Currency seized and recorded in the Panchnama which includes Currency Notes of denomination of Rupees 2000, in spite of their plea to the respondent to take necessary action thereupon before these go out of circulation by the end of this month.

Learned counsel for the appellant also prayed for immediate response by the respondent on all the aforementioned three matters.

Learned counsels for the respondent are directed to file a response within a week of this order.

Let the order be issued by Dasti.

List the matter on 26th October, 2023.