
(2021) 03 ATPMLA CK 0033

In the Appellate Tribunal Under Prevention Of Money Laundering Act

Case No : MP-PMLA-8480, 8481/JP/2021, FPA-PMLA-3982/JP/2021

Ashish Chaujar

APPELLANT

Vs

Deputy Director Directorate Of Enforcement, Jaipur

RESPONDENT

Date of Decision : 22-03-2021

Acts Referred:

Prevention Of Money Laundering Act, 2002 — Section 8(4), 26

Citation : (2021) 03 ATPMLA CK 0033

Hon'ble Judges : G. C. Mishra, Acting Chairman

Bench : Single Bench

Advocate : Swetab Kumar, Saurabh Kumar, Neeraj Atri

Judgement

G. C. Mishra, Acting Chairman

MP-PMLA-8481/JP/2021 (U.A.)

Present application has been filed by the appellant/applicant for early hearing of the appeal on the grounds stated therein.

Considered and allowed the application. The application is accordingly disposed of.

FPA-PMLA-3982/JP/2021 & MP-PMLA-8480/JP/2021 (Stay)

Fresh appeal has been filed by the appellant u/s 26 of Prevention of Money Laundering Act-2002 against the order dated 12.02.2021 passed by the

Adjudicating Authority in O.C. no. 1352/2020.

Issue notice. Mr. Neeraj Atri, Id. counsel for the respondent accepts the notice and seeks six weeks time to file the reply to the appeal, which is not objected.

Along with the appeal, the appellant has filed an application for stay of the operation of the impugned order as appellant has been served with eviction

notice dated 08.03.2021 issued u/s 8(4) of the PMLA, 2002 with respect to the properties mentioned in the notice which is received on 11.03.2021.

During the course of hearing, the Id. counsel for the appellant referred to internal pages 48-49 of the impugned order and submitted that the appellant

is Defendant no. 2 and he is concerned with the property mentioned in the eviction notice. By referring to the aforesaid pages of the impugned order,

it is submitted by the Id. counsel for the appellant that the Id. Adjudicating Authority has ordered that "If D-2 has capacity to deposit the sum of Rs.

3.90 crore to the Authority, the Enforcement Directorate may release the property, subject to D-2 obtaining No Objection Certificate from D-1. The

Enforcement Directorate has quantified the proceeds of crime which D-2 is willing to deposit." and the appellant is seeking 30 days time to make

the payment and that it is in process and that the appellant with his family members are residing in the said property and that they have no other

accommodation and that the Id. Adjudicating Authority has not confirmed the P.A.O. against the present appellant qua the aforesaid property and that

this property is mortgaged with Syndicate Bank and that the bank has initiated recovery proceedings concerning the property in question. It is further

submitted that in view of the above the appellant has prayed for stay of the operation of eviction notice dated 08.03.2021.

On the other hand, the Id. counsel for the respondent submitted that the property has been purchased out of proceeds of crime, hence no relief could

be granted. He has referred to the Original Complaint(O.C.)in this regard by quoting to para no. 12.18 of the same. However, he has sought six

weeks time to file the reply to the stay application, which is not objected.

Heard both sides. Admittedly, the property is mortgaged with the Syndicate Bank and the bank has initiated the recovery proceedings. It is submitted

by the Id. counsel for the appellant that as per the order of Adjudicating Authority they are in the process of making the payment to the ED as valued

by them (ED) and that the appellant and their family members are residing in the questioned property and has no other accommodation to reside and

that the appellant would abide by any conditions to be imposed for grant of order of stay. The Id. counsel for the respondent's submission regarding

purchase of the property out of proceeds of crime would be considered at the time of hearing on merits.

In the light of the discussion above, I am of the considered view, that there is a prima facie case for grant of order of "status quo" as on today

at this stage. Therefore, both the parties are directed to maintain the "status quo" qua the property i.e. "99-A Income Tax Colony-I, Todi

Ramjanipura, Jagatpura, Jaipur" as mentioned in the eviction notice dated 08.03.2021 till further orders. The "status quo" order is subject to the

following conditions:-

(i) The attachment shall continue,

(ii) The legal and constructive possession of the ED shall remain over the property;

(iii) The appellant shall not create any third party rights, dispose or dealt with the property directly or indirectly in any manner;

(iv) No encumbrance shall be created by the appellant;

The respondent is granted six weeks time to file the reply to the appeal as well as to the stay application with an advance copy to the other side, who

may file the rejoinder to the reply to the appeal within three weeks thereafter, if any.

With the consent of both the parties, list the appeal and stay application on 14th July, 2021.