
(2021) 03 ATPMLA CK 0026

In the Appellate Tribunal Under Prevention Of Money Laundering Act

Case No : MP-FE-12/CHN/2020, 13, 62/CHN/2021, FPA-FE-06/CHN/2021

Dharam P. Sharma

APPELLANT

Vs

Assistant Director Directorate Of Enforcement, Chennai

RESPONDENT

Date of Decision : 24-03-2021

Acts Referred:

Foreign Exchange Management Act, 1999 — Section 19

Citation : (2021) 03 ATPMLA CK 0026

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

Bench : Single Bench

Advocate : Ashwani Taneja, Rajesh Ridla

Judgement

MP-FE-62/CHN/2021 (U.H.)

The present application has been filed by the appellant seeking urgent hearing of the application on the grounds mentioned therein. The same are considered and allowed. Accordingly, the application is disposed of.

MP-FE-12/CHN/2020 (COD)

The present application has been filed by the applicant to condone the delay of 11 days in filing the appeal. Shri Rajesh Ridla, ALA appearing with

Ms. Ankita, Legal Consultant raised objections for condonation of delay. The submissions of counsels for both the sides are considered. Perused the

application for condonation of delay. The appellant/applicant has given sufficient reasons as to why the appeal could not be filed within the prescribed

period. The reasons have been well described in para nos. 4 to 9 supported with judgement of Honâ??ble Supreme Court and of this Tribunal.

Considering the submissions and the grounds mentioned in the application and in the interest of justice, the delay is condoned and the application is

disposed of.

FPA-FE-06/CHN/2021 & MP-FE-13/CHN/2021 (Stay)

Fresh appeal has been filed by the appellant under Section 19(1) of the Foreign Exchange Management Act (FEMA), 1999 against the order dated

29.10.2020 passed by the Adjudicating Authority.

Issue notice. Shri Rajesh Ridla, ALA, appearing for the Respondent accepted the notice in appeal and stay application and sought four weeks time to

file the replies, which is not objected. Let the same be filed within four weeks with an advance copy to be served on the other side who may file the

rejoinder to the reply in appeal within four weeks thereafter.

During the course of hearing, it is submitted by the learned counsel for the appellant that the Respondent/ED has issued Demand notice dated

24.02.2021 asking the appellant to deposit the entire penalty of amount of Rs. 1,80,00,000/- (Rupees One Crore Eighty Lakh Only) within ten days.

The said amount has not yet been paid.

Considering the facts mentioned in the case the operation of the demand notice dated 24.02.2021 is stayed till the next date of hearing. The

Respondent is directed not to take any coercive action in view of the aforesaid demand notice till the next date of hearing.

With the consent of both the parties, list on 19th July, 2021.