

(2023) 06 DEL CK 0111

In the Delhi High Court

Case No : Miscellaneous Appeal (PMLA) No. 8, 9, 10, 11 Of 2023

Trinity Alternative Investment Managers Ltd.

APPELLANT

Vs

Directorate Of Enforcement

RESPONDENT

Date of Decision : 28-06-2023

Acts Referred:

Citation : (2023) 06 DEL CK 0111

Hon'ble Judges : C.Hari Shankar, J;Manoj Jain, J

Bench : Division Bench

Advocate : Jayant Mehta, Tannavi Sharma, Anshika Bawa, Zoheb Hossain, Vivek Gurnani, Kavish Garach, Sejal Aneja

Final Decision : Dismissed

Judgement

C. Hari Shankar, J

CM APPL.32720/2023 & CM APPL.32721/2023 (exemption) in MISC. APPEAL(PMLA) 8/2023

CM APPL.32723/2023 & CM APPL.32724/2023 (exemption) in MISC. APPEAL(PMLA) 9/2023

CM APPL.32726/2023 & CM APPL.32727/2023 (exemption) in MISC. APPEAL(PMLA) 10/2023

CM APPL.32729/2023 & CM APPL.32730/2023 (exemption) in MISC. APPEAL(PMLA) 11/2023

Exemption allowed subject to all just exceptions.

MISC. APPEAL(PMLA) 8/2023 & CM APPL.32719/2023 (stay); MISC. APPEAL(PMLA)9/2023 & CM APPL.32722/2023 (stay); MISC. APPEAL(PMLA) 10/2023 & CM APPL.32725/2023 (stay); MISC. APPEAL(PMLA) 11/2023 & CM APPL.32728/2023 (stay)

1. At the outset, Mr. Vivek Gurnani, learned counsel appearing for the respondent submits that the present appeals are not maintainable before this Court. He has drawn our attention to Section 42 of the Prevention of Money Laundering Act, 2002 ("the PMLA"), which reads thus:

"42. Appeal to High Court. –Any person aggrieved by any decision or order of the Appellate Tribunal may file an appeal to the High Court within sixty days from the date of communication of the decision or order of the Appellate Tribunal to him on any question of law or fact arising out of such order:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

Explanation. – For the purposes of this section, "High Court" means –

(i) The High Court within the jurisdiction of which the aggrieved party ordinarily resides or carries on business or personally works for gain; and

(ii) Where the Central Government is the aggrieved party, the High Court within the jurisdiction of which the respondent, or in a case where there are more than one respondent, any of the respondents, ordinarily resides or carries on business or personally works for gain."

(Emphasis Supplied)

2. Mr. Gurnani, learned counsel submits that since the appellants are situated within the territorial jurisdiction of the High Court of Calcutta, these appeals would have to be preferred before that Court.

3. Mr. Mehta, learned senior counsel for the petitioner, with customary candour, does not dispute the fact that the appellants are in fact situated within the territorial jurisdiction of the High Court of Calcutta. He only submits that in similar matters, this Court has issued notice.

4. In any event, in view of the frank admission that the appellants are in fact situated within the territorial jurisdiction of the High Court of Calcutta, there is no escape from the rigour of Section 42 of the PMLA.

5. Reserving liberty to the appellant to move the appropriate Court, these appeals are dismissed for want of territorial jurisdiction.