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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8421/2021

M/S BLA POWER PRIVATE LIMITED AND ORS..... Petitioners

Through Mr.Abhimanyu Bhandari, with
Mr.Ayush Agarwal, Mr.Arav Pandit and
Mr.Kumar Vaibhaw, Advs.

versus

PALASH BHOYAR, DEPUTY DIRECTOR DIRECTORATE OF
ENFORCEMENT AND ANR.

..... Respondents

Through Mr. Amit Mahajan, CGSC and Mr.
Imon Bhattacharya, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **13.08.2021**

CM APPL. 26012/2021 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

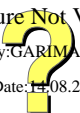
W.P.(C) 8421/2021 & CM APPL. 26011/2021 (stay)

3. Vide the present petition, the petitioners seek to assail the Provisional Attachment Order (PAO) No. 3/2021 dated 07.06.2021, provisionally attaching the petitioners' power plant situated at Gadarwara, Narsinghpur, Madhya Pradesh.

4. Learned counsel for the petitioners submits that the impugned PAO is wholly illegal and without jurisdiction, as the respondents had earlier

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Signing Date: 13.08.2021
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passed an identical PAO on 04.01.2018 in respect of the same FIR, which provisional attachment was not approved by the Adjudicating Authority, PMLA – which, after hearing the parties at length, had come to a categorical conclusion, vide its order dated 20.06.2018, that no case was made out against the petitioner for either generating proceeds of crime or laundering them. He further submits that though the respondent no.1 has assailed the aforesaid order by way of an appeal before the Appellate Tribunal, PMLA, the same has not been stayed. He, therefore, contends that the impugned PAO dated 07.06.2021 is clearly barred by *res-judicata* and therefore, prays that the same be stayed.

5. Issue notice. Mr. Mahajan accepts notice on behalf of the respondents. He prays for, and is granted, six weeks' time to file a reply. Rejoinder thereto, if any, be filed within four weeks thereafter.

6. Mr. Mahajan is not in a position to dispute the fact that the impugned PAO is based on the same FIR as referred to in the previous PAO dated 04.01.2018.

7. In the light of this undisputed position that the impugned PAO is based on the same facts which were subject matter of the previous PAO dated 04.10.2018, which was not approved by the Adjudicating Authority, it is directed that till the next date, the operation of the impugned PAO dated 07.06.2021 shall remain stayed, as also all consequential proceedings emanating therefrom.

8. List on 07.01.2022.

REKHA PALLI, J

AUGUST 13, 2021/acm