



HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

WPCR No. 291 of 2020

Alok Shukla **Versus** Directorate of Enforcement

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30/06/2020	<p>Shri Arshdeep Singh, Advocate for the Petitioner.</p> <p>Shri B. Gopa Kumar, Assistant Solicitor General and Dr. Saurabh Pande for Respondents No. 1 & 4.</p> <p>The issuance of summons in terms of the relevant provisions under the Prevention of Money Laundering Act, 2002, (for short, 'the Act') and transfer of the investigation from authorities at Raipur to New Delhi by the competent authority made the Petitioner to approach this Court by filing the writ petition, challenging the said proceedings and also the vires of the Act.</p> <p>Heard Shri Arshdeep Singh, the learned counsel for the Petitioner as well as Shri B. Gopa Kumar, the learned Assistant Solicitor General supported by Shri Dr. Saurabh Pande, appearing for the Respondents No. 1 & 4.</p> <p>The learned counsel for the Petitioner made submissions with reference to the nature of the scheme of the statute, which however came to be detriment to the rights and interest of the Petitioner by virtue of the amendments and hence the challenge against the statute. It is also pointed out that the Petitioner is virtually being harassed, absolutely without any legally and sustainable materials.</p>



The learned counsel submits that, despite the fact that all the infrastructure is available at Raipur, the investigation has been sought to be shifted to Delhi and the Petitioner has been required to be present before the authority concerned in Delhi, especially during the Covid-19 pandemic period; which is only to harass the Petitioner.

The learned Assistant Solicitor General submits that the idea and understanding of the Petitioner as to scope of the provisions of the Act is quite wrong and misconceived. It is pointed that the Authority who was issued the impugned order is competent in all respects, by virtue of the specific provisions contained in the statute. The learned counsel submits that the Petitioner is intending only to stall the proceedings. It is pointed out that the Petitioner had sought for an Anticipatory Bail referring to the cognizable offences and has obtained a favourable order as well. It is however pointed out that the Court has not given any 'blanket order' and it has been specifically directed to co-operate with the proceedings/investigation. After obtaining that order, instead of complying with the directions given by the Court, the Petitioner has chosen to approach this Court by filing the writ petition, questioning the vires of the provisions in the 'Act'; absolutely without any tenable ground. The learned counsel points out that, only a 'summons' has been issued and by virtue of the specific observation made by the Court while granting the Anticipatory Bail, it is for the Petitioner to appear before the authority concerned pursuant to the summons and to co-operate with the investigation.



The learned counsel for the Respondents seeks for time to file a detailed reply.

In the above circumstances, the case stands adjourned by two weeks. We are not inclined to grant any interim order for the time being.

Post this matter after two weeks.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

