

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W. P. (C) No. 2362 of 2015

State Bank of India, central office at Madam Cama Road, Nariman Point, Mumbai and its local head office at West Gandhi Maidan, Patna and one of its Branch offices viz. Commercial Branch Jamshedpur, Jharkhand through its Asstt. General Manager & Relationship Manager (AMT-I), Pradip Kumar Sarkar, son of Late Chitta Ranjan Sarkar, Hans Bhawan, Bistupur, Jamshedpur, East Singhbhum Petitioner

Versus

1. Union of India through Enforcement Director under Prevention of Money-Laundering Act, 2002, Govt. of India, Lucknow Zonal Officer, Meera Bai Marg, Lucknow, U.P.
2. M/s Emaar Alloys Pvt. Ltd., registered office at Nilkant's Bhuwan Complex, Raja Apartment, Mango, Jamshedpur, East Singhbhum
3. Shri Madhu Koda, son of Shri Rasika Koda, village-Pata Hatu, Jaganathpur, Singhbhum (West)

... .. Respondents

CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioner : Mr. Rajesh Kumar, Advocate
Mr. Manindra Kumar Sinha, Advocate
For the Respondents: None

05/24.08.2015 Referring to letter dated 21.02.2015 written to the Branch Manager, State Bank of India, the learned counsel for the petitioner seeks a direction to the Adjudicating Authority to entertain the petition filed on behalf of the petitioner-State Bank of India. The learned counsel submits that the properties of the loanee which were mortgaged and now attached, are situated within the territory of the State of Jharkhand and therefore, the petitioner has approached this Court.

2. I find that, against the order passed by the Adjudicating Authority, an appeal would lie under Section 26 of the Prevention of Money-Laundering Act, 2002 before the Appellate Tribunal. The 1st explanation to Section 42 is not attracted in the present case because the petitioner-Bank is not in appeal against order passed by the Appellate Tribunal. In view of

order passed by the Appellate Tribunal, the petitioner-Bank intends to approach the Adjudicating Authority and, therefore, if the registry/office of the Adjudicating Authority has declined to register its case/petition, at the first instance it is required to approach the Appellate Tribunal. The anxiety of the petitioner-Bank is that in the event the mortgaged properties which have been attached by the order of the Adjudicating Authority are confiscated, its interests would be seriously jeopardized. It is thus, apparent that the grievance of the petitioner is against the order of attachment by the Adjudicating Authority. From the materials on record, it appears that Adjudicating Authority constituted under Section 6 of the Prevention of Money-Laundering Act, 2002 is exercising jurisdiction, power and authority under the Act from the office situated at Delhi. The Registry of the Adjudicating Authority is at Delhi and the letter dated 21.02.2015 has been issued from New Delhi.

3. Considering the above facts, I am of the opinion that the petitioner is required to approach the Hon'ble Delhi High Court if, the grievance of the petitioner still exists. The writ petition stands disposed of, with the aforesaid liberty to the petitioner.

(Shree Chandrashekhar, J.)

Tanuj/-