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Sl. No.67.
26-09-2019
S.D.

W.P. 18777 (W) of 2019

Badri Narayan Joshi @ B.N. Joshi
Vs.
Union of India & Ors.

Mr. Jayanta Mitra, Sr. Adv.,
Mr. Saptangshu Basu, Sr. Adv.,
Mr. Abhrajit Mitra, Sr. Adv.,
Mr. Jishnu Chowdhury
Mr. Sarbopriyo Mukherjee
Mr. Ayan Bhattacharya
Mr. Srijib Chakraborty
Mr. Chayan Gupta
Mr. J. Basu Roy
Mr. Pranit Bag
Mr. Arif Ali
Mr. Pawan Gupta
Mr. Saumabha Ghosh
Mr. A. Agarwalla
Mr. B. Sharma
….For the Petitioner.

Mr. Jatinder Singh Dhatt
…For the E.D.

Mr. Vipul Kundalia
Mr. Sumitra Das
…For the Respondent No. 1.

The petitioner is a practicing advocate. Petitioner is representing a person who is being proceeded against by the Enforcement Director (E.D.) under the provisions of the Prevention

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of Money Laundering Act, 2002. Petitioner received a summon dated September 13, 2019 requiring the presence of the petitioner on September 17, 2019 at 11.00 a.m. along with authorization letter received from the person against whom E.D. is proceeding under the Act of 2002.

Learned Senior Advocate appearing on behalf of the petitioner submits that, the petitioner as an advocate is discharging his professional duties in representing his client before the E.D. Any advocate is entitled to do so. The petitioner was engaged by the person concerned by executing a vokalatnama. The original vokalatnama was submitted to the E.D. authorities. Therefore, there is no basis for the E.D. authorities to proceed against an advocate, who is representing a person against whom E.D. is proceeding.

E.D. and the U.O.I. are represented.

It appears from the records made available to Court that, the E.D. issued a summon dated September 13, 2019 requiring the presence of the petitioner on September 17, 2019 before the Investigating Officer along with the authorization letter received from the person against whom, E.D. is proceeding. By a letter

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dated September 17 of 2019, the petitioner informed E.D. that, vokalatnama/authorization letter of the person against whom, E.D. authorities are proceeding was handed over to the E.D. authorities on September 13, 2019. There is no response to such letter till date.

Learned Senior Advocate appearing on behalf of the petitioner points out that, subsequent to the filing of the writ petition, the clerk engaged by the petitioner received summon dated September 18, 2016 for appearance of the clerk on September 26, 2019.

In the facts of the present case, in my view, interest of justice would be sub-served by requiring the E.D. authorities not to take any coercive measure against the petitioner for the petitioner not appearing on September 17, 2019. However, if the E.D. authorities require any further document from the petitioner, the E.D. authorities are at liberty to write to the petitioner for such documents.

Respondents seek directions for filing affidavits.

It would be appropriate to permit the respondents to do so.

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Let affidavit-in-opposition be filed within two weeks after reopening of the Court after the Puja Vacation. Reply thereto, if any, be filed within one week thereafter.

The writ petition will be treated as ready for hearing immediately on completion of the time stipulated for filing affidavits.

Liberty is given to the parties to mention the matter for early hearing.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Debangsu Basak, J.)

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