

ITEM NO.31

COURT NO.6

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 9581-9582/2022

(Arising out of impugned final judgment and order dated 04-08-2022 in WMP No. 15749/2022 23-08-2022 in WMP No. 20781/2022 passed by the High Court Of Judicature At Madras)

ANITHA R. RADHAKRISHNAN

Petitioner(s)

VERSUS

THE DIRECTORATE OF ENFORCEMENT & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.153514/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.153516/2022-EXEMPTION FROM FILING O.T. and IA No.155631/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-10-2022 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Mukul Rohtagi, Sr. Adv.
Mr. Siddharth Aggarwal, Sr. Adv.
Mr. Madhav Khurana, Adv.
Mr. Mehmood Umar Faruqui, AOR
Mr. Abhinav Sekhri, Adv.
Mr. Samarth Luthra, Adv.
Mr. Harsh Yadav, Adv.
Mohd. Asif Iqbal, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The learned senior counsel appearing for the petitioner submits that although the order impugned dated 04.08.2022 is passed by the High Court is vacating the ad-interim order dated 29.06.2022, but it has a serious implications for the reason that the writ petition was filed by the petitioners seeking quashing of

the ECIR No./CEZO-II/21/2020 dated 22.10.2020 and all proceedings emanating therefrom on the premise that the provisions of the Prevention of Money Laundering (Amendment) Act, 2009 pursuant to which Section 13(2)(e) of the Prevention of Corruption Act, 1988 was inserted in the Schedule to the PMLA, can have a retrospective application for the reason that the check period, in the instant case, is of 14.05.2001 to 31.03.2006 and have a ex-post facto application of the penal provisions.

Since the legal question raised by the petitioner goes to the root of the matter, it was considered by the Division Bench of the High Court and ex-parte ad-interim protection was extended to him by an order dated 29.06.2022 and without any reasonable cause/justification, the same has been vacated by subsequent order dated impugned 04.08.2022 without even *prima facie* examining the substance of the submissions made and noticed while passing of the initial *ex-parte* ad-interim order dated 29.06.2022.

That is the only reason for which the petitioner has approached this Court by filing the Special Leave Petitions.

It is informed to us that the pleadings are complete in the pending petition and the matter is fixed for hearing before the High Court on 28.10.2022.

We have heard the learned counsel for the petitioner and consider it appropriate, in the given facts and circumstances, to allow the *ex-parte* ad-interim order passed by the High Court dt. 29.06.2022 to continue for a period of two months and let the substantive petition, which is fixed for hearing before the High Court on 28.10.2022 be heard on merits as expeditiously as

possible.

It is made clear that if the petitioner fails to cooperate in expeditious disposal of the petition before the High Court or seek any unnecessary adjournments, the High Court will be at liberty to vacate the interim order.

With the above modification of the order impugned dated 04.08.2022, the Special Leave Petitions are disposed of.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(MATHEW ABRAHAM)
COURT MASTER