Court No. - 11

Case :- APPLICATION U/S 482 No. - 1464 of 2025

Applicant :- Ankur Aggarwal
Opposite Party :- Directorate Of Enforcement Thru. Its Director Deptt. Of Revenue New Delhi And 2 Others
Counsel for Applicant :- Prashast Puri,Nadeem Murtaza
Counsel for Opposite Party :- Rohit Tripathi

Hon'ble Rajesh Singh Chauhan,J.

Supplementary affidavit filed by learned counsel for the applicant is taken on record.

Heard Mr. Nadeem Murtaza and Mr. Prashast Puri, learned counsel for the applicant and Mr. Shiv P. Shukla, learned counsel for the Directorate of Enforcement.

By means of this petition, the petitioner has prayed the following relief:

"*Wherefore, It is most respectfully prayed that that this Hon'ble Court may graciously be pleased to quash the Summons dated 15.01.2025, i.e., AD PMLA Summon bearing No. PMLA/ SUMMON/ LKZO/2025/ 2911/ 5537 under Section 50 (2) and (3) of Prevention of Money Laundering Act, 2002, annexed as Annexure No. 1 to this petition and all Criminal Proceedings initiated by the Respondent in respect thereof.*

It is further prayed that this Hon'ble Court may graciously be pleased to quash all the criminal proceedings or investigation initiated by the Respondent allegedly in respect of Uttar Pradesh Pollution Control Board versus M/s. J.M. Orchid and others, under sections 43/44 of the Water (Prevention and Control of Pollution) Act, 1974 arising out of Complaint Case no. 5211 of 2022, bearing F. No. LKZO/17/2023.

It is further prayed that the operation and implementation of the and Summons dated

15.01.2025, i.e., AD PMLA Summon bearing No. PMLA/SUMMON/LKZO/2025/2911/5537 under Section 50 (2) and (3) of Prevention of Money Laundering Act, 2002 (Annexure No. I to this petition), may kindly be stayed during the pendency of the present petition, in the interest of justice and no coercive action be taken against Petitioner during the pendency of the present Petition."

At the very outset, Mr. Nadeem Murtaza has submitted that without there being any predicate offence/ case, the present applicant has been summoned and the perusal of the summoning under Section 50 of Prevention of Money Laundering Act, 2002 (hereinafter referred to as the 'Act of 2002') does not reveal about any predicate offence/ case. However, the Annexure thereof reveals one complaint case of U.P. Pollution Control Board wherein the final report/ closure report has already been filed, therefore, that case may not be treated as predicate offence/ case

Mr. Murtaza stated that had there been any predicate offence/ case wherein summon under Section 50 of the Act of 2002 had been issued, the present applicant would have participated in the investigation but in the present case, the applicant is unable to know as to why he has been summoned under Section 50 of the Act of 2002, therefore, he has requested that operation and implementation of the aforesaid summoning order may be stayed or the aforesaid impugned summoning order may be set aside/ quashed.

Per contra, Mr. Shiv P. Shukla, learned counsel for the Enforcement Directorate has stated that if any summon has been issued against the present applicant, it means that some investigation is going on wherein the statement of the present applicant is required to be recorded.

On being asked as to why any specific reference of the predicate case has not been indicated in the impugned summon, Mr. Shukla has requested that he may be given some reasonable time to seek instruction, though Mr. Shukla placed reliance on the decision of the Hon'ble Apex Court in re;

Vilelie Khamo Vs Director, Enforcement Directorate & Another, Criminal Appeal No. 5545 of 2024 decided on 19.12.2024, wherein the Hon'ble Apex Court has observed that pursuant to the summoning order, the person concerned should respond and his culpability, if any, may be ascertained during the investigation or till completion of the investigation.

Having considered the statement of learned counsel for the parties and having perused the material available on record as well as the order of the Hon'ble Apex Court in re; **Vilelie Khamo (supra),** I am of the view that the facts and circumstances of the present case are different from the case in re; **Vilelie Khamo (supra)** inasmuch as in that case, the person concerned was discharged in predicate offence but he was summoned by the Enforcement Directorate but in the present case, there is no predicate offence at this stage, so the question on discharge in that does not arise. Even if there was any case, to be more precise, predicate offence/ case, at least a reference thereof must have been indicated in the impugned summon so that the present applicant may appear before the authority concerned pursuant to the summoning order with all relevant documents.

I am of the considered opinion that if the competent authority/ Enforcement Directorate issues a summon under Section 50 of the Act seeking presence/ appearance of the presence concerned, at least some sort of reference/ detail of the predicate offence/ case must have been indicated so that the person concerned could appear before the authority concerned with complete detail.

Therefore, without entering into the merits of the case, I hereby dispose of this application finally at the admission stage, granting liberty to the competent authority/ Directorate of Enforcement to issue fresh summon to the present applicant under Section 50 of the Act of 2002 indicating the detail of the predicate offence/ case within a period of two weeks, if it is so required, ignoring the impugned summon dated 15.01.2025 and

pursuant to the aforesaid summon, the applicant shall appear before the competent authority on the date fixed and shall co-operate in the investigation, if any, but he may not be arrested after his appearance before the competent authority/ Enforcement Directorate. It is made clear that if the applicant does not appear pursuant to fresh summon, the benefit of this order would not be given to him.

It is also made clear that it is absolutely up to the competent authority/ Enforcement Directorate to issue fresh summon, ignoring the impugned summon, if there is any material or evidence against the applicant in any predicate offence wherein the summon under Section 50 of the Act of 2002 is required to be issued.

It is needless to say that the present applicant may take all legal pleas and grounds at appropriate stage before the competent authority or the court concerned.

With the aforesaid observations, the instant application is **disposed of.**

(Rajesh Singh Chauhan,J.)

Order Date :- 17.2.2025
(Manoj K.)