

LEGAL UPDATES

HC ORDERS STATUS QUO ON THE ATTACHMENT ORDER UNTIL THE APPELLATE TRIBUNAL, AND PMLA BECOMES OPERATIVE

The Hon'ble Delhi HC ordered the parties to maintain the status quo until the Petitioner's appeal and stay application was taken up by the Appellate Tribunal, PMLA and partially granted the Petitioner's appeal against the order passed by the Adjudicating Authority under the PMLA, including provisionally attaching the Petitioner's retirement benefit.

Given that the Petitioner had already filed a statutory appeal with the AT against the contested order and that there was no quorum in the AT, preventing it from operating;

The petitioner claimed that although the impugned order only called for the attachment of a certain amount, the entire amount in the petitioner's bank account had already been taken; as a result, the petitioner prayed for a stay of the impugned order until his appeal is heard by AT as well as permission to operate his bank accounts as long as the required balance is maintained in the accounts.

The Hon'ble Court permitted the Petitioner to use his bank account as long as he maintains an amount equivalent to that which is sought to be attached, noting that the Respondent does not contest the non-functional AT and the attachment of such sum.

Accordingly it was clarified by the High Court that *"this order will merge with any order passed by the tribunal, as and when it becomes functional."*