

**APPELLATE TRIBUNAL UNDER SAFEMA AT NEW DELHI**

**MP-PMLA-8834/DLI/2021 (Misc.)  
FPA-PMLA-3000/DLI/2019**

Shri Karti P. Chidambaram ... Appellant/Applicant

Versus

The Deputy Director,  
Directorate of Enforcement, New Delhi ... Respondent

**Advocates/Authorized Representatives who appeared**

For the Appellant : Mr. Arshdeep Khurana, Advocate  
Mr. Akshat Gupta, Advocate  
Mr. Sidak Singh Anand, Advocate

For the Respondent : Mr. Zoheb Hossain, Advocate  
Mr. Vivek Gurnani, Advocate  
Mr. Kanishk Maurya, Advocate

**CORAM**

**SHRI BALESH KUMAR : MEMBER**  
**SHRI RAJESH MALHOTRA : MEMBER**

**FINAL ORDER**  
**29.10.2025**

This Order disposes of the Appeal No. FPA-PMLA-3000/DLI/2019 filed by Shri Karti P. Chidambaram, against the Order dated 29.03.2019 (Impugned Order) passed by the Ld. Adjudicating Authority (AA) under the Prevention of Money Laundering Act, 2002 (PMLA) in the Original Complaint No. 1045/2018 (OC). The Provisional Attachment Order No.09/2018 dated 10.10.2018 (PAO) was confirmed vide the Impugned Order. The properties of the Appellant for which the provisional attachment have been confirmed vide the Impugned Order are listed as follows:

**(A)** Land and property 115-A Block 172 Jorbagh, New Delhi-110003 50%, share of Shri Karti P. Chidambaram, Rs. 16.05 crore as per income tax return of Shri Karti P. Chidambaram, Sale deed through Sh. S. Bhaskararaman, General Attorney of Sh. Karti P. Chidambaram and Smt. Nalini Chidambaram registered vide No.7796 in Book No. I, Volume No. 13,445 on page 165 to 184 dated 22.8.2014 with Sub Registrar (V), Delhi, Shri Karti P. Chidambaram and Smt. Nalini Chidambaram.

**(B)** Indian Overseas Bank, Nungambakkam Branch, 109, Nungambakkam High Road, Nungambakkam, Chennai-600034, Sh. Karti P Chidambaram, A/c No. 018304000002390 amount of Rs. 93,51,961.

**(C)** Indian Overseas Bank, Nungambakkam Branch, 109, Nungambakkam High Road, Nungambakkam, Chennai-600034, Sh. Karti P Chidambaram, A/c No. 018304000002391 amount of Rs. 93,51,961.

**(D)** Indian Overseas Bank Nungambakkam Branch, 109, Nungambakkam High Road, Nungambakkam, Chennai-600034, Sh. Karti P Chidambaram, A/c No. 018304000002392 amount of Rs. 93,51,961.

**(E)** Indian Overseas Bank, Nungambakkam Branch, 109, Nungambakkam High Road, Nungambakkam, Chennai-600034, Sh. Karti P Chidambaram, A/c No. 018304000002393 amount of Rs. 93,51,961.

**(F)** Indian Overseas Bank Nungambakkam Branch, 109, Nungambakkam High Road, Nungambakkam, Chennai-600034, Sh. Karti P Chidambaram, A/c No. 018304000002394 amount of Rs. 93,51,961.

**(G)** Indian Overseas Bank, Nungambakkam Branch, 109, Nungambakkam High Road, Nungambakkam, Chennai-600034, Sh. Karti P Chidambaram, A/c No. 018304000002395 amount of Rs. 93,51,961.

**(H)** Indian Overseas Bank, Nungambakkam Branch, 109, Nungambakkam High Road, Nungambakkam, Chennai-600034, Sh. Karti P Chidambaram, A/c No. 018304000002396 amount of Rs. 62,34,641.

**2.** Ld. Counsel for the Appellant stated that while the Impugned Order was passed on 29.03.2019, the ED filed its Prosecution Complaint under PMLA on 01.06.2020 i.e. after 430 days of the passing of the Impugned Order. Ld. Counsel argued that Section 8 (3) (a) of PMLA stipulates that the attachment after its confirmation by the AA, shall continue during investigation for a period not exceeding 365 days. He further argued that the continued attachment of the properties, including the Jor Bagh House belonging to the Appellant, post 29.03.2020, was bad in law. He contended that the Impugned Order ought to be set aside on this ground alone and the attached properties ought to have been released. Ld. Counsel for the Appellant confined his arguments to the provisions of Section 8 (3) (a) of PMLA. On being asked by the Bench, Ld. Counsel for the Appellant pressed for making arguments on this sole point relating to filing of the Prosecution Complaint under PMLA beyond the stipulated period. He clarified that no other point made in the pleadings is being pressed upon.

**3.** Ld. Counsel for the Appellant dwelt at length on why the Impugned Order be set aside since the Prosecution Complaint under PMLA was filed on 01.06.2020 which was much after 365 days of the passing of the Impugned Order on 29.03.2019. In this regard, Ld. Counsel drew attention to the Order dated 10.01.2022 of the Hon'ble Supreme Court in Suo Motu Writ Petition (C) No. 3 of 2020, whereby,

it was directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings. The Order further stated that in cases where the limitation would have expired during the period between 15.03.2020 and 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply. Ld. Counsel for the Appellant pleaded that the aforementioned Order dated 10.01.2022, however, does not extend the period beyond 365 days in filing the Prosecution Complaint under PMLA, as stipulated under Section 8 (3) (a) of PMLA.

**4.** Ld. Counsel for the Appellant relied upon the decisions of this Tribunal in a number of cases. Ld. Counsel pointed out that in FPA-PMLA-446/BNG/2013 in the matter of S. V. Srinivas vs. Enforcement Directorate, the Tribunal made the following observations in the Order dated 11.05.2018:

*“58. Thus, I am of view that prior to confirmation of the provisional attachment under section 8(3) of PMLA, a proceeding for the offence under PMLA in terms of section 45 has to be initiated, failing which, no confirmation can be made and the confirmation may become non est in the eye of law. The expression continue during proceedings to any offences indicates that the prosecution complaint must be pending, otherwise, there were no proceedings left under this Act. There is also a logic behind it that once the confirmation is passed, nothing remains left under this Act after continuation of attachment orders, except the*

*prosecution complaint if filed by the respondent before the Special Court.”*

Ld. Counsel further cited the Order dated 13.05.2019 of this Tribunal in the matter of Shri Ramji Natrajan vs. ED in FPA-PMLA-2409/DLI/2018:

*“21. Where the Adjudicating Authority decides by an order confirm the retention under Sub-section (1) of Section 17 or Section 18 for the purpose of continuation during investigation for a period not exceeding ninety days under this Act before the Competent Court, or under the corresponding law of any other countries as the case may be under Sub-section (3) (a) of Section 8 may take necessary action within the time prescribed. In failure to do so under this Act, all the proceedings, seizures/frozen under Section 17 would be lapsed ipso facto.”*

Ld. Counsel for the Appellant cited the following paragraphs of the Order dated 18.09.2019 of this Tribunal in FPA-PMLA-1529/Cochin/2016 in the matter of Santiago Martin vs. ED:

*“46. A plain reading, it is clear that amendments do not provide any indication that the same was meant to have any retrospective effect. It is a settled proposition that retrospectively (retrospectivity) cannot be read into a statute and the same must be evidenced from a plain reading of the statute. It is further submitted that the amendment in question is substantive in nature and not procedural. In the written submission filed by the respondent, it is admitted that the said amendments were prospective in nature.*

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*48. Since the charge-sheet/prosecution complaint has not been filed under the provision of Section 8(3)(a) of the Act*

*within the prescribed period of time, the attachments stand lapsed, thus, the same are released. Therefore, there is no need to go into the merit of the case.”*

Ld. Counsel for the Appellant further cited paragraphs 10 and 12 of the Order dated 20.09.2019 of this Tribunal in FPA-PMLA-2700/GOA/2018 in the matter of Dayanand Narvekar vs. ED:

*“10. In the present case, the impugned order was passed on 13.09.2018, the prosecution complaint has been filed on 03.05.2019. The 90 days period for filing prosecution complaint from the date of impugned order has expired in the month of December, 2018 which is before the amendment of extending the period for filing the prosecution complaint to 365 days. A legal right has accrued to the appellant in view of the section 8(3)(a) of PMLA-2002 when the prosecution complaint was not filed within 90 days.*

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*12. The aforesaid provision clearly provides that the attachment order of Adjudicating Authority shall continue during investigation for a period not exceeding of 90 days or pendency of proceedings relating to any offence under this act before a court. Admittedly, in the present case, there was no pendency of any proceedings relating to any offence under this act before a court within 90 days from the date (of the) impugned order.”*

Ld. Counsel for the Appellant also cited the decision dated 20.12.2022 of this Tribunal in Appeal No. FPA-PMLA-1978/DLI/2017 in the matter of Shri Subhash Chandra Sharma vs. ED:

*“20. It may be mentioned here that the aforesaid provision of law was subsequently amended vide Act 7 of 2019 w.e.f.20.03.2019 to extend the limitation period for continuation of the attachment or retention or freezing of the*

*seized or frozen property from 90 days to 365 days. During the aforesaid period of 90 days from the date of the impugned order, admittedly the respondent neither completed the investigation nor initiated any criminal proceedings under the PMLA, 2002 before a competent court of criminal jurisdiction.*

*21. The impugned order is passed on (dated) 25.08.2017, the time limit of 90 days for continuation of investigation and initiation of criminal proceedings in the competent court of criminal jurisdiction (was) expired in July 2018. A period of five years has already been elapsed since the passing of the impugned order by the Adjudicating Authority in the year 2017. No material has been produced on record from the side of the respondent that investigation has been completed and/or there is pendency of criminal prosecution under PMLA, 2002 against the present appellant nor any material has been placed by the respondent that the record/documents/property, etc. are involved in this proceedings are also involved in any other proceedings against the present appellant as an associate of Shri Hasan Ali Khan.*

*22. In view of the mandatory provision of Section 8(3)(a) of PMLA, 2002, the records, documents, property seized/frozen cannot be continued to be retained/frozen and, therefore, liable to be released.”*

Ld. Counsel for the Appellant further cited the Final Order dated 30.04.2024 of this Tribunal in the Appeal No. FPA-PMLA-4425/LKW/2021 in the matter of Shri Rangnath Mishra vs. ED:

*“These appeals have been preferred to challenge the order dated 13.12.2021 confirming the attachment of the property. The order for it was passed on 13.12.2021. The prosecution complaint pursuant to the ECIR has not been filed, as informed by the counsel for the respondent. In the*

*light of the aforesaid, the attachment order would lapse in view of Section 8 (3) of the PMLA Act of 2002. The written arguments are taken on record. The mandate is to file prosecution complaint within 365 days from the date of the order. In the instant case, the prosecution complaint has not yet been filed thus the attachment would lapse and accordingly we cause interference in the order of the Adjudicating Authority and the order of provisional attachment. Both the orders are set aside. The appeals are disposed of with the aforesaid.”*

- 5. Ld. Counsel for the Appellant relied upon the Judgment dated 19.06.2020 of the Hon’ble Supreme Court in the matter of S. Kasi vs. State [(2021) 12 SCC 1].**

*“8. The only issue which needs to be decided in this appeal is as to whether the appellant due to non-submission of charge-sheet within the prescribed period by the prosecution was entitled for grant of bail as per Section 167(2) CrPC. Before we notice the order of this Court dated 23-3-2020 passed in Cognizance for Extension of Limitation, In re [Cognizance for Extension of Limitation, In re, (2020) 19 SCC 10] which has been applied by the High Court on the provisions of Section 167(2) CrPC, we need to notice the object and purpose of enactment of Section 167 CrPC.*

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*17. After noticing the purpose and object of Section 167, we now come to the judgment of this Court dated 23-3-2020 [Cognizance for Extension of Limitation, In re, (2020) 19 SCC 10] which has been relied on and referred by the learned Single Judge in the impugned judgment [S. Kasi v. State, 2020 SCC OnLine Mad 1244] for holding that the time period in Section 167(2) is eclipsed by the judgment of this Court dated 23-3-2020 [Cognizance for Extension of Limitation, In re, (2020) 19 SCC 10] . The order dated 23-3-*

*2020 was passed by this Court in Cognizance for Extension of Limitation, In re [Cognizance for Extension of Limitation, In re, (2020) 19 SCC 10]. The entire order passed on 23-3-2020 [Cognizance for Extension of Limitation, In re, (2020) 19 SCC 10] is to the following effect: (Cognizance for Extension of Limitation, In re case [Cognizance for Extension of Limitation, In re, (2020) 19 SCC 10], SCC p. 11, paras 1-5)*

*“1. This Court has taken suo motu cognizance of the situation arising out of the challenge faced by the country on account of Covid-19 Virus and resultant difficulties that may be faced by litigants across the country in filing their petitions/ applications/suits/appeals/all other proceedings within the period of limitation prescribed under the general law of limitation or under special laws (both Central and/or State).*

*2. To obviate such difficulties and to ensure that lawyers/ litigants do not have to come physically to file such proceedings in respective courts/tribunals across the country including this Court, it is hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or special laws whether condonable or not shall stand extended w.e.f. 15-3-2020 till further order(s) to be passed by this Court in present proceedings.*

*3. We are exercising this power under Article 142 read with Article 141 of the Constitution of India and declare that this order is a binding order within the meaning of Article 141 on all courts/tribunals and authorities.*

*4. This order may be brought to the notice of all High Courts for being communicated to all subordinate courts/tribunals within their respective jurisdiction.*

5. Issue notice to all the Registrars General of the High Courts, returnable in four weeks.”

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19. The limitation for filing petitions/applications/suits/appeals/all other proceedings was extended to obviate lawyers/litigants to come physically to file such proceedings in respective courts/tribunals. The order was passed to protect the litigants/lawyers whose petitions/applications/suits/appeals/all other proceedings would become time-barred they being not able to physically come to file such proceedings. The order was for the benefit of the litigants who have to take remedy in law as per the applicable statute for a right. The law of limitation bars the remedy but not the right. When this Court passed the above order for extending the limitation for filing petitions/applications/suits/appeals/all other proceedings, the order was for the benefit of those who have to take remedy, whose remedy may be barred by time because they were unable to come physically to file such proceedings. The order dated 23-3-2020 [Cognizance for Extension of Limitation, In re, (2020) 19 SCC 10] cannot be read to mean that it ever intended to extend the period of filing charge-sheet by police as contemplated under Section 167(2) CrPC. The investigating officer could have submitted/filed the charge-sheet before the (Incharge) Magistrate. Therefore, even during the Lockdown and as has been done in so many cases the charge-sheet could have been filed/submitted before the Magistrate (Incharge) and the investigating officer was not precluded from filing/submitting the charge-sheet even within the stipulated period before the Magistrate (Incharge).

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29. We, thus, are of the view that neither this Court in its order dated 23-3-2020 [Cognizance for Extension of

*Limitation, In re, (2020) 19 SCC 10] can be held to have eclipsed the time prescribed under Section 167(2) CrPC nor the restrictions which have been imposed during the Lockdown announced by the Government shall operate as any restriction on the rights of an accused as protected by Section 167(2) regarding his indefeasible right to get a default bail on non-submission of charge-sheet within the time prescribed. The learned Single Judge committed serious error in reading such restriction in the order of this Court dated 23-3-2020 [Cognizance for Extension of Limitation, In re, (2020) 19 SCC 10].”*

6. Ld. Counsel for the Appellant argued that the Judgment of the Apex Court in the matter of S. Kasi (Supra) makes it clear that the Order dated 10.01.2022 in the Suo Motu Writ Petition (C) No. 3 of 2020 did not extend the period of filing charge-sheet by Police as contemplated under Section 167(2) Cr.PC. The Order dated 10.01.2022 (supra) was issued to obviate the difficulties faced by the litigants and the lawyers on account of Covid-19 in physically approaching the Courts to file their petitions, applications, suits, appeals and all other proceedings. The Order dated 10.01.2022 (supra) was for the benefit of those who have to take remedy, whose remedy may be barred by time because they were unable to come physically to file such proceedings. Ld. Counsel argued that the same benefit could not be extended for the executive action as the Order dated 10.01.2022 (supra) specifically stated *‘that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.’* Ld. Counsel therefore contended that the Order dated 10.01.2022 (supra) was never meant to extend the period prescribed for the executive action,

which is so reiterated and explained in the Judgment relating to S. Kasi (Supra). Ld. Counsel also argued that the Tribunal itself has in a number of decisions held that if no proceeding is pending before a Court, for any period of time, howsoever small, then the confirmation of the attached property cannot continue. Ld. Counsel pleaded that the Appeal may be allowed, in view of the sole argument that the Prosecution Complaint under PMLA was not filed within 365 days of passing of the Impugned Order. Ld. Counsel pleaded that in case the Appeal is decided against the Appellant, protection may be granted against taking over the possession of the attached properties by the Respondent Directorate.

**7.** Ld. Counsel for the Respondent Directorate contended that due to the special and peculiar circumstances arising from the Covid-19, a complete lockdown was ordered in the country making physical movement of any person, including that of the Investigating Officers extremely difficult as the disease was contagious with threat to life. Ld. Counsel argued that the High Court of Delhi had suspended the functioning of the High Court, as well as of the Subordinate Courts. In this regard, he cited that the Office Order No. 1347/DHC/2020 dated 29.05.2020 issued by the Registrar General of Delhi High Court, whereby the functioning of the Courts continued to remain suspended till 14.06.2020. Ld. Counsel stated that the Office Order No. 159/RG/DHC/2020 dated 25.03.2020 issued by the Registrar General of the Delhi High Court had taken note of nationwide lockdown and had suspended the functioning of the Subordinate Courts. The suspension of work of the Subordinate Courts continued till 30.06.2020 vide Office Order dated 13.06.2020. Ld. Counsel pleaded

that under such conditions the Respondent Directorate could not have filed the Prosecution Complaint under PMLA within 365 days of passing of the Impugned Order. Since the Impugned Order was passed on 29.03.2019, completion of the period stipulated under Section 8 (3) (a) of PMLA fell within the period prescribed in the Order dated 10.01.2022 (supra). Ld. Counsel stated that in spite of the Covid conditions, the Respondent Directorate filed the Prosecution Complaint on 01.06.2020, which also falls within the period stipulated in the Order dated 10.01.2022 (supra). Ld. Counsel therefore argued that the stipulation under Section 8 (3) (a) of PMLA of filing the Prosecution Complaint within 365 days of passing of the Impugned Order has to be read in the light of the Order dated 10.01.2022 (supra) of the Apex Court.

**8.** Ld. Counsel for the Respondent Directorate cited a number of Judgments highlighting the special circumstances which had arisen because of Covid-19 to argue that the interpretation of the Order dated 10.01.2022 (supra) of the Apex Court cannot be narrow. In this regard, Ld. Counsel argued that the Judgment in the matter of S Kasi (supra) has to be read in terms of the matter therein related to indefeasible right to get a default bail on non-submission of charge-sheet within the time prescribed. He stated that neither the Apex Court Order on cognizance for extension of limitation nor the restrictions which had been imposed during the lockdown announced by the Government can be held to have eclipsed the time prescribed under Section 167 (2) Cr.PC, because it impinges upon the question of personal liberty. In this regard, he cited the **Judgment dated 13.03.2023 of the Hon'ble High Court of Telangana in the matter**

**of Hygro Chemicals Pharmtek Pvt. Ltd. Vs. Union of India and Ors. [MANU/TL/1003/2023].** Ld. Counsel accordingly argued that the matter in S Kasi which is directly referable to the Article 21 of the Constitution of India cannot be equated while dealing with a property right under Article 300-A of the Constitution of India, which is the subject matter in the present Appeal. Ld. Counsel for the Respondent Directorate also referred to the **Judgment dated 14.02.2022 of the Hon'ble Supreme Court in the matter of Prakash Corporates v. Dee Vee Projects Ltd., [MANU/SC/0180/2022].**

*“14.4. ....It is further clarified that the period from 14th March, 2021 till further orders shall also stand excluded in computing the periods prescribed Under Sections 23(4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings. We have passed this order in exercise of our powers Under Article 142 read with Article 141 of the Constitution of India. Hence it shall be a binding order within the meaning of Article 141 on all Courts/Tribunals and Authorities.*

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*19.6. We are not elaborating on other directions issued by this Court but, when read as a whole, it is but clear that the anxiety of this Court had been to obviate the hardships likely to be suffered by the litigants during the onslaughts of this pandemic. Hence, the legal effect and coverage of the orders passed by this Court in SMWP No. 3 of 2020 cannot be unnecessarily narrowed and rather, having regard to*

*their purpose and object, full effect is required to be given to such orders and directions.”*

Ld. Counsel for the Respondent Directorate emphasised that the Hon’ble Apex Court made it clear that given the onslaught of the pandemic, it was necessary to give the full effect to its Orders and directions.

9. Ld. Counsel for the Respondent Directorate argued that while the Judgments cited afore were passed in the context of extending the period of limitation of 180 days as prescribed under Section 5 (1) of the PMLA for passing the Confirmation Order of the provisional attachment order, by the Adjudicating Authority. Ld. Counsel inferred that the spirit of the said Judgments lends scope to cover the filing of Prosecution Complaint under Section 8 (3) (a) of PMLA beyond 365 days of passing the Confirmation Order of the attachment, if the period beyond is covered under the Apex Court Order dated 10.01.2022 (supra). In this regard, Ld. Counsel cited the following paragraphs of the **Final Order dated 01.07.2024 of this Tribunal in the matter of Rakesh Tiwari in Appeal No. FPA-PMLA-3354/ DLI/2019:**

*“6. At this stage, it needs to be clarified that the situation of COVID-19 was extraordinary and, therefore, the Apex Court had passed a detail order in the **Suo moto petition (Supra)** to avoid effect of the statutory provisions of limitation and even for termination of proceedings. If we apply aforesaid to termination of proceeding of any nature, then only the purpose would be achieved otherwise it would be an interpretation defeating the purpose of the order of the Apex Court. COVID-19 was having an extraordinary emergent situation and, therefore the Government of India imposed lockdown from 23rd March, 2020 when nobody*

*was even permitted to come out of the residence, other than those connected with emergent services. If we ignore the situation aforesaid and analyze that so far as the police officers concerned there should have completed the investigation when during the period of lockdown while they were not even authorized to visit the witnesses or record their statement. It is stated that in such circumstances completion of investigation by the police officers will go against the order of the Government and order passed by the Apex Court. Thus, taking into consideration the aforesaid we are unable to accept the first argument raised by the Ld. Counsel for the Appellant because of the exclusion of the period during COVID-19, the charge-sheet was filed within 365 days as stipulated in Section 8(3) of the Act of 2002.”*

Ld. Counsel therefore pleaded to dismiss the Appeal.

**10.** We have considered the rival submissions and various Orders/Judgments referred by both the sides. The Impugned Order was passed on 29.03.2019 and the Prosecution Complaint under PMLA was filed on 01.06.2020. The moot question is whether the Prosecution Complaint which was filed after 365 days of the Impugned Order can hold good, in view of the Order dated 10.01.2022 of the Hon'ble Supreme Court in Suo Motu Writ Petition (C) No. 3 of 2020, whereby, it was directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings. The stipulation of filing the Prosecution Complaint within 365 days of the confirmation of the attachment order arises from the provisions of Section 8 (3) of PMLA, which is as follows:

*“(3) Where the Adjudicating Authority decides under sub-section (2) that any property is involved in money-laundering, he shall, by an order in writing, confirm the attachment of the property made under sub-section (1) of section 5 or retention of property or record seized or frozen under section 17 or section 18 and record a finding to that effect, whereupon such attachment or retention or freezing of the seized or frozen property or record shall-*

*(a) continue during investigation for a period not exceeding three hundred and sixty-five days or the pendency of the proceedings relating to any offence under this Act before a court or under the corresponding law of any other country, before the competent court of criminal jurisdiction outside India, as the case may be; and*

*(b) become final after an order of confiscation is passed under sub-section (5) or sub-section (7) of section 8 or section 58B or sub-section (2A) of section 60 by the [Special Court].*

*Explanation. For the purposes of computing the period of three hundred and sixty-five days under clause (a), the period during which the investigation is stayed by any court under any law for the time being in force shall be excluded.”*

**11.** Ld. Counsel for the Appellant has argued that the Order dated 10.01.2022 (supra) of the Apex Court applies for litigants and lawyers and that too for matters which are quasi-judicial and judicial in nature. He has emphasised that the filing of the Prosecution Complaint is the culmination of the investigation conducted by the Respondent Directorate and its Officials. He therefore inferred that the Apex Court Order dated 10.01.2022 (supra) neither covers the Officials of the Government/Investigating Agency nor it covers the executive action of filing the Prosecution Complaint. In this regard, Ld. Counsel

relied upon the Judgment of the Hon'ble Supreme Court in the matter of S. Kasi (supra). Ld. Counsel stated that the Order was for the benefit of those who have to take remedy, whose remedy may be barred by time because they were unable to come physically to file such proceedings. Ld. Counsel has drawn attention to the following in the Judgment in the matter of S. Kasi (supra):

*“Therefore, even during the Lockdown and as has been done in so many cases the charge-sheet could have been filed/ submitted before the Magistrate (Incharge) and the investigating officer was not precluded from filing/ submitting the charge-sheet even within the stipulated period before the Magistrate (Incharge).”*

He argued that similarly the Investigating Officer of the Respondent Directorate could have filed the Prosecution Complaint under PMLA within the prescribed 365 days, particularly so, when in fact he did file the said Prosecution Complaint under PMLA on 01.06.2020, even though the Covid-19 was still prevalent.

**12.** Ld. Counsel for the Appellant has cited a few other Judgments as mentioned in paragraph 4 of this Order. In the matter of S. V. Srinivas vs. ED a view was taken that Prosecution Complaint must be pending before the Adjudicating Authority at the time of passing of the Confirmation Order. However, no final view was taken in the Judgment in view of the pending writ petition before the Hon'ble High Court of Karnataka. None of the other Judgments has evaluated the impact of the Order dated 10.01.2022 (supra) of the Hon'ble Supreme Court on the period of 365 days for filing the Prosecution Complaint after the passing of the Confirmation Order of the attachment of the property.

**13.** We observe that the Judgment in the matter of S. Kasi (supra) was passed in the context of grant of default bail, which has direct bearing on personal liberty. The present matter relates to continuation of attachment of movable and immovable properties of the Appellant, unlike the issue of personal liberty. This Tribunal in its Final Order in the matter of Rakesh Tiwari has held that given the extraordinary emergent situation arising out of Covid-19 the Order dated 10.01.2022 (supra) of the Apex Court cannot be given narrow interpretation. The enormity of the situation for the Investigating Officer to have completed the investigation during the period of lockdown, when he was not even authorized to visit the witnesses or record their statements needs to be appreciated. In any case such witnesses could have declined to respond to the summons and tender their statements. The nature of Covid-19 did not rule out threat to life arising from mere human interaction. The extraordinary circumstances arisen due to Covid-19 would have had an impact on the pace of the investigations being conducted. It must also be kept in view that the Hon'ble Supreme Court in the matter of Prakash Corporates (supra), has observed that the legal effect and coverage of the orders passed by the Apex Court in SMWP No. 3 of 2020 cannot be unnecessarily narrowed and rather, having regard to their purpose and object, full effect is required to be given to such orders and directions. The Final Order in the matter of Rakesh Tiwari (supra) was reiterated in the **Final Order dated 20.08.2024 of this Tribunal in the Appeal No. FPA-PMLA-2442-HYD/2020 in the matter of M/s Musaddilal Gems & Jewellers India Pvt. Ltd.** The question that if the Respondent Directorate could file the Prosecution Complaint on 01.06.2020, then

why could they not do so within 365 days of the passing of the Impugned Order would not impact the answer to the moot question that the coverage of the Order dated 10.01.2022 (supra) was wide enough as to allow the filing of the Prosecution Complaint under PMLA beyond 365 days of the passing of the Impugned Order, as long as, such period fell within the extended period of limitation from 15.03.2020 to 28.02.2022.

**14.** Ld. Counsel has pleaded that in case the Appeal is decided against the Appellant, protection may be granted against taking over the possession of the attached properties by the Respondent Directorate. We find that this Tribunal vide Order dated 23.04.2019 had directed both the parties to maintain status-quo in respect of attached movable properties. On issuance of notice under Section 8 (4) of PMLA by the Respondent Directorate an interim Order was passed on 01.08.2019 to maintain the status-quo with respect to the attached immovable property. This Tribunal vide order dated 03.09.2019 directed the following:

*“In the light of above, the interim order passed on 01.08.2019 is liable to be confirmed. The prayer made in the applications are allowed. The interim order shall continue till the final disposal of appeal. The statement has already been made that the appellant shall not dispose of the said property and attachment will continue, the same is accepted.”*

The protection given through the interim Order dated 03.09.2019 to the residential property of Appellant against the eviction from the said property and against the notice issued under Section 8 (4) of the PMLA, cannot be continued with on the disposal of the Appeal.

However, we do observe that in view of the Judgment of the Hon'ble Supreme Court in the matter of Vijay Madanlal Choudhary & Ors. vs. Union of India & Ors. reported in (2022) SCC OnLine 929, possession can henceforth be taken only if exceptional reasons exist.

**15.** In view of the aforementioned discussions in the light of the afore cited Judgments, we dismiss the Appeal FPA-PMLA-3000/DLI/2019. Applications, if any, are disposed of accordingly.

**(Rajesh Malhotra)**  
**Member**

**(Balesh Kumar)**  
**Member**

**New Delhi**  
**29<sup>th</sup> October, 2025**  
'AK'