ITEM NO.14 COURT NO.6 SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No.24302/2026

[Arising out of impugned final judgment and order dated 24-11-2025 in WP No.1511/2021 passed by the High Court of Judicature at Bombay]

UNION OF INDIA & ANR. Petitioners

VERSUS

NARESH T JAIN & ORS. Respondents

I.A. No.339167/2026-CONDONATION OF DELAY IN FILING
I.A. No.339168/2026-CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS

Date : 16-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SHEEL NAGU

For Petitioner(s) : Mr. Suryaprakash V. Raju, A.S.G.
Mr. Arvind Kumar Sharma- 1133, AOR
Mr. Annam Venkatesh, Adv.
Mr. Hitarth Raja, Adv.
Ms. Sairica Raju, Adv.
Mr. Vivek Gurnani, Adv.
Mr. Amrish Kumar- Aor, Adv.
Dr. Arun Kumar Yadav, Adv.

For Respondent(s) :

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

1. Delay condoned.

2. A judgment and order dated 24th November, 2025[1] passed by a Division Bench of the High Court of Judicature at Bombay[2] quashing a Provisional Attachment Order (POA) is under challenge in this special leave petition.

Signature Not Verified
Digitally signed by MANIK KUMAR
Date: 2026.11.17 16:39:48 IST
Reason:

While quashing the impugned POA, the Bombay High Court preferred to

1 impugned judgment
2 Bombay High Court

agree with the views expressed by a Division Bench of the High Court at Calcutta[3] in ***Directorate of Enforcement & Ors. Vs. Union of India & Ors.***[4]; in the process, however, it disagreed with the opinion expressed by a Division Bench of the High Court of Delhi at New Delhi[5] in ***Directorate of Enforcement & Anr. Vs. Vikas WSP Ltd. & Ors.***[6].

4. The issue that arose for consideration before the Bombay High Court, the Calcutta High Court and the Delhi High Court happened to be common: whether extension of the period of limitation ordered by this Court due to COVID related complications *vide* the order dated 10th January, 2022 in Miscellaneous Application No.21 of 2022 in Suo Moto Writ Petition (C) No.3 of 2020 (titled "In Re: Cognizance for Extension of Limitation Vs. XXXX") would save POAs from lapsing after its validity period of six months. The view of the Calcutta High Court, with which the Bombay High Court has agreed in the impugned judgment, was that the said order of 10th January, 2022 covered judicial and quasi-judicial proceedings that aggrieved parties could not institute due to COVID related restrictions and this Court came to their rescue by extending the period of limitation; however, similar benefit was not extended to the Enforcement Directorate despite an application made by it in that behalf. The view of the Delhi High Court was, of course, otherwise.

5. Since the Enforcement Directorate was a common party in both the proceedings before the Calcutta and the Delhi High Courts, it would reasonably be expected that the Calcutta High Court view, being a prior view (2022), ought to have been placed before the Delhi High Court while it was hearing a similar issue in 2025. Unfortunately, however, the attention of the Delhi High Court was

3 Calcutta High Court
4 2022 SCC OnLine Cal 3959
5 Delhi High Court
6 2025 SCC OnLine Del 6163

not drawn by the Enforcement Directorate to the view expressed by the Calcutta High Court earlier. We wonder, whether the Delhi High Court would have taken a different view had the decision of the Calcutta High Court been referred to it.

6. Be that as it may, the Bombay High Court in the impugned judgment has recorded that the Enforcement Directorate did not challenge the decision of the Calcutta High Court.

7. We had posed a specific query to Mr. Suryaprakash V. Raju, learned Additional Solicitor General, as to whether the Enforcement Directorate challenged the decision of the Calcutta High Court before this Court or not. While, initially, no direct answer was forthcoming, we were referred to an order dated 8th May, 2023 passed by a coordinate Bench of this Court in SLP (C) Diary No. 13081 of 2023 (Directorate of Enforcement & Ors. Vs. Union of India & Ors.) in course of hearing.

8. It appears on a reading thereof that the decision of the Calcutta High Court was, indeed, challenged by the Enforcement Directorate but ultimately, in light of the final adjudication order having been passed, the special leave petition was withdrawn leaving all questions of law open.

9. Mr. Raju has next placed before us an order dated 16th September, 2026 passed by a co-ordinate Bench of this Court, while dismissing Special Leave Petition (Crl.) No.16024/2025 (Purushottam Dev Arya & Anr. Vs. Union of India & Ors.). According to him, with such dismissal, the decision of the Delhi High Court has been affirmed.

10. Having perused the said order, we find that the same hardly advances the case of the Enforcement Directorate. The coordinate Bench noted the issue involved but decided no point except recording its disinclination to interfere.

11. Turning to the merits, we are fully convinced that the well-considered, well-written and well-reasoned impugned judgment of the Bombay High Court does not require any interference in light of the order dated 10th January, 2022 passed by this Court.

12. The order dated 10th January, 2022 passed by this Court *inter alia* directs 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"*. Sub-paragraph (IV) of paragraph 5 also records that:

> *"IV. It is further clarified that the period from 15.03.2020 till 28.02.2022 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."*

13. The impugned judgment correctly records in paragraph 41 that sub-paragraph (IV) (extracted supra) does not include provisions of the Prevention of Money Laundering Act, 2002[7] and, in the following paragraph, it also records that the said order of this Court does not govern PMLA timelines. In fact, the Bombay High Court clearly noted that this Court passed no order on the Enforcement Directorate's application (Interlocutory Application No.91204/2020) seeking benefit of extension of time due to COVID. Mr. Raju did not dispute such finding.

14. In our further considered view, the Bombay High Court in the impugned judgment has correctly applied the law laid down by this Court in ***S. Kasi Vs. State, through Inspector of Police***[8].

15. Also, in the impugned judgment, the Bombay High Court has noted other

7 PMLA
8 (2021) 12 SCC 1

significant features of the case, in great detail, and recorded findings for denying the benefit of the order dated 10th January, 2022 to the Enforcement Directorate. We need not refer the same here, having regard to the order proposed to be passed by us, but record that such findings have our full concurrence.

16. We, thus, uphold the impugned judgment as well as the decision of the Calcutta High Court referred to above and over-rule the law, if any, laid down in the decision of the Delhi High Court notwithstanding that the special leave petition against it has been dismissed (without a reasoned order).

17. It is, however, clarified that the petitioners before the Delhi High Court will not be entitled to reopen proceedings citing this order.

18. *Vide* the impugned judgment, the Bombay High Court has vacated the stay ordered earlier and granted liberty to the adjudicating authority to proceed with the adjudication proceedings in accordance with law. The same is also upheld, without prejudice to the right of the respondent to question such order/liberty in appropriate proceedings, in accordance with law.

19. The special leave petition, accordingly, stands dismissed with the aforesaid observation(s).

20. Pending application(s), if any, shall stand disposed of.

(MANIK KUMAR)
SENIOR PERSONAL ASSISTANT

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)