



# MAJESTY LEGAL

Advocates & Solicitor

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## **ANALYSIS OF THE JUDGEMENT**

(*DR. U.S. AWASTHI VS. ADJUDICATING AUTHORITY PMLA & ORS., AIR 2023*) Recent judgment was passed under Prevention of Money Laundering Act, 2002 (Referred as PMLA) by the Hon'ble Delhi High Court with regard to Adjudicating Authority. In the present case a writ petition was filed to challenge the order passed by the Adjudicating Authority<sup>1</sup> (PMLA), in which the application seeking permission to cross-examine, has been rejected.

## **FINDINGS OF HON'BLE COURT:**

1. It was observed by the Hon'ble Court that an application for cross-examination filed before the Adjudicating Authority under Prevention of Money Laundering Act, 2002 is an integral part of the adjudication process and not alien to the proceedings under Section 8 of the enactment.
2. The right to cross-examination may be invoked by any person who wishes to cross-examine a witness. There has to be a reasonable basis for seeking the said right.
3. Although Adjudicating Authority has all the power of a civil court and Cross-examination need not be permitted in every case, However, whenever - deemed necessary the request for cross examination must be examined seriously and not in a routine manner.
4. The court thus relegated the petitioner to the Appellate tribunal for agitating the challenge to the impugned order and directed that the same shall be decided within a period of two weeks from the date of first listing.
5. Further it is clarified that the period during which the present writ petition remained pending before this Hon'ble Court as also the period of two weeks granted to the Appellate Tribunal to adjudicate the appeal shall also stand excluded from the 180 days period to be computed under the provision to Section 5<sup>2</sup> of the PMLA.

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<sup>1</sup> Section 2(a) of the Act, 2002 "Adjudicating Authority" means an Adjudicating Authority appointed under sub-section (1) of section 6

<sup>2</sup> "Attachment of Property involved in money-laundering.

<sup>3</sup> Majesty legal is law firm, established in 2013 by Ms. Mahi Yadav and aim of this analysis of the judgment is to provide insights on law and statutes.