

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

PRESENT:

THE HON'BLE JUSTICE TIRTHANKAR GHOSH

W.P.A. No. 14776 of 2025

**Praveen Kumar
-Versus-
Union of India & Ors.**

For the Petitioner : Mr. Akhil Krishan Maggu, Adv.,
Mr. Shaunak Mondal, Adv.,
Mr. Ankit Agarwalla, Adv.,
Mr. Oshin Maggu, Adv.

For the E.D. : Mr. Arijit Chakraborty. Adv.,
Mr. Debsoumya Basak, Adv,

Heard On : 08.07.2025

Judgement On : 08.07.2025

Tirthankar Ghosh, J. :

Petitioner has preferred the instant writ petition challenging the search authorization bearing no. 93 of 2025 dated 11.06.2025 issued by the respondent no. 3. Learned Advocate appearing for the petitioner submitted that the premises/address for which the permission relating to

search/seizure was granted did not relate to the address where the Enforcement Directorate exercised their powers.

Inspite of not being authorized, the Enforcement Directorate carried out the search and seizure which is per se illegal.

The petitioner further contends that the predicate offence for the purpose of which the investigation is being carried out by the Enforcement Directorate was not made known to him, neither the search and seizure was legally carried out at the behest of the Enforcement Directorate and as such petitioner prays for return of the seized cash which he claims to be Rs. 9,00,000/- (Rupees Nine Lakh Only).

Prayers have been advanced also for not taking any coercive action against the petitioner.

On the other hand, learned advocate appearing for the Enforcement Directorate/respondent has submitted that the writ petition has been preferred after three summons were issued by the Enforcement Directorate and the same was not responded by the petitioner. The said summons for appearance were dated 14.06.2025, 19.06.2025 and 24.06.2025.

Attention of the Court was drawn to the fact that the file number which has been referred to in the summons being 'F.No. : KLZO-I/10/2023' is the basis on which the investigation is carried out. It has also been contended that after the search and seizure was conducted, information/intimation was also sent to the adjudicating authority.

Learned advocate appearing for the petitioner has referred to a judgment of the Allahabad High Court (Ankur Aggarwal vs. Directorate of Enforcement), wherein according to the learned advocate it has been held that if summons are issued by the Enforcement Directorate under Section 50 of the PMLA, 2002 for securing the presence/appearance of an individual 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 with complete details.

I have considered the submissions of the Learned Advocates appearing for the petitioner as well as that of the Enforcement Directorate. Before dealing with the grievance of the parties it would be appropriate to refer in respect of the law settled by the Hon'ble Supreme Court in ***Vijay Madanlal Choudhary -versus- Union of India***, reported in **(2023) 12 SCC 1**. While dealing with the issue relating to uploading of ECIR the Hon'ble Supreme Court has made it optional for the Enforcement Directorate and distinguished the same from FIR. Paragraphs 376, 382.26 and 382.27 of the said case which are relevant for deciding the present case reads as follows:-

“376. *It is true that the ED Manual may be an internal document for departmental use and in the nature of set of administrative orders. It is equally true that the accused or for that matter common public may not be entitled to have access to such administrative instructions being highly confidential and dealing with complex issues concerning mode and manner of investigation, for internal guidance of officers of ED. It is also correct to say that there is no such requirement under the 2002 Act or for that matter, that there is nothing like investigation of*

a crime of money laundering as per the scheme of the 2002 Act. The investigation, however, is to track the property being proceeds of crime and to attach the same for being dealt with under the 2002 Act. Stricto sensu, it is in the nature of an inquiry in respect of civil action of attachment. Nevertheless, since the inquiry in due course ends in identifying the offender who is involved in the process or activity connected with the proceeds of crime and then to prosecute him, it is possible for the department to outline the situations in which that course could be adopted in reference to specific provisions of the 2002 Act or the Rules framed thereunder; and in which event, what are the options available to such person before the authority or the Special Court, as the case may be. Such document may come handy and disseminate information to all concerned. At least the feasibility of placing such document on the official website of ED may be explored.

382.26. *In view of special mechanism envisaged by the 2002 Act, ECIR cannot be equated with an FIR under the 1973 Code. ECIR is an internal document of the ED and the fact that FIR in respect of scheduled offence has not been recorded does not come in the way of the authorities referred to in Section 48 to commence inquiry/investigation for initiating “civil action” of “provisional attachment” of property being proceeds of crime.*

382.27. *Supply of a copy of ECIR in every case to the person concerned is not mandatory, it is enough if ED at the time of arrest, discloses the grounds of such arrest.*

The finding of the Hon’ble Allahabad High Court is in the nature of details to be provided which are not even mandatory.

As such the person who has been informed cannot as a matter of right claim that the information relating to the predicate offence which led to the registration of the ECIR can be claimed as of right.

The documents which have been placed by the Enforcement Directorate also reflects that the petitioner himself has received the search warrant on 12.06.2025 at around 7.25 a.m. However, this is being inferred on the basis of a document advanced by the learned Counsel appearing on behalf of the Enforcement Directorate and it would be open to the petitioner to challenge the authenticity of the same. This Court at this stage need not go into the details regarding the authenticity of the signature concerned which is available in the search warrant authorization dated 11.06.2025.

So far as the summons which have been issued, the summons were in respect of a particular file number which has been referred to. So far as the issue relating to details of predicate offence is concerned, the same as a matter of right the petitioner cannot claim, although it may be informed to the petitioner as has been held by the Hon'ble Supreme Court as also by the Hon'ble Allahabad High Court.

Needless to state that, as details of supply of copy of ECIR and the FIR relating to the predicate offence is not mandatory, but considering the fact that the purpose of the summons is to enable the petitioner to answer the queries, the petitioner must also be in a position to have knowledge regarding the background of the case as well as the genesis which led to the registration of the ECIR and the consequent search and seizure.

In view of the aforesaid and the fact that presently there are no summons under Section 50 of the PMLA, I direct that the Enforcement Directorate would issue fresh summons upon the petitioner granting 15 days' time to appear before the authorities. The fresh summons, if possible, should accompany the ECIR number as well as the predicate offence which led to the registration of the ECIR.

Learned advocate appearing for the petitioner submits that they intend to co-operate with the investigation.

As the process of investigation is in progress, at this stage, further directions of this Court are unwarranted.

Accordingly, WPA 14776 of 2025 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)