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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment reserved on: 16.05.2025

Judgment delivered on: 04.06.2025

+ MISC. APPEAL(PMLA) 12/2024

NIMRITA PARVINDER SINGH

.....PETITIONER

Through: Mr. Amit Sibal, Senior Advocate with Mr. Arshdeep Singh Khurana, Ms. Neeha Nagpal, Mr. Vishvendra Tomar, Mr. Sulakshan V.S., Mr. Nikhil Pawar, Ms. Simran Khurana, Mr. Darpan Wadhwa, Mr. Rajat Bector and Mr. Ajatshatru Singh Rawat, Advocates.

versus

DIRECTORATE OF ENFORCEMENT

.....RESPONDENT

Through: Mr. Zoheb Hossain, Special Counsel with Mr. Vivek Gurnani, Panel Counsel with Mr. Kartik Sabharwal, Mr. Kanishk Maurya and Mr. Pranjal Tripathi with Mr. Anand Kirti, LC, ED Mr. Mayank Arora, AD, ED.

+ MISC. APPEAL(PMLA) 13/2024

NANDINI PARVINDER SINGH

.....PETITIONER

Through: Mr. Amit Sibal, Senior



Advocate with Mr. Arshdeep Singh Khurana, Ms. Neeha Nagpal, Mr. Vishvendra Tomar, Mr. Sulakshan V.S., Mr. Nikhil Pawar, Ms. Simran Khurana, Mr. Darpan Wadhwa, Mr. Rajat Bector and Mr. Ajatshatru Singh Rawat, Advocates.

versus

DIRECTORATE OF ENFORCEMENTRESPONDENT

Through: Mr. Zoheb Hossain, Special Counsel with Mr. Vivek Gurnani, Panel Counsel with Mr. Kartik Sabharwal, Mr. Kanishk Maurya and Mr. Pranjali Tripathi with Mr. Anand Kirti, LC, ED Mr. Mayank Arora, AD, ED.

+ MISC. APPEAL(PMLA) 14/2024

NANAKI PARVINDER SINGHPETITIONER

Through: Mr. Amit Sibal, Senior Advocate with Mr. Arshdeep Singh Khurana, Ms. Neeha Nagpal, Mr. Vishvendra Tomar, Mr. Sulakshan V.S., Mr. Nikhil Pawar, Ms. Simran Khurana, Mr. Darpan Wadhwa, Mr. Rajat Bector and Mr. Ajatshatru Singh Rawat, Advocates.

versus



DIRECTORATE OF ENFORCEMENT

.....Respondent

Through: Mr. Zoheb Hossain, Special Counsel with Mr. Vivek Gurnani, Panel Counsel with Mr. Kartik Sabharwal, Mr. Kanishk Maurya and Mr. Pranjal Tripathi with Mr. Anand Kirti, LC, ED Mr. Mayank Arora, AD, ED.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

J U D G E M E N T

HARISH VAIDYANATHAN SHANKAR, J.

CM APPL. 23462/2025 In MISC. APPEAL(PMLA) 12/2024

CM APPL. 23458/2025 In MISC. APPEAL(PMLA) 13/2024

CM APPL. 23457/2025 In MISC. APPEAL(PMLA) 14/2024

1. The present applications are preferred under Section 151 of the Code of Civil Procedure, 1908, by the Appellants/Applicants, seeking directions in view of the continued freezing of their movable assets and bank accounts pursuant to proceedings initiated under the **Prevention of Money Laundering Act, 2002¹**. The Applicants, through separate applications founded on largely overlapping grounds, seek similar reliefs. The Appellants submit that they have an

¹ PMLA



immediate financial requirement estimated at approximately Rs. 5 crores each [Approximately Fifteen (15) Crores in total], which, it is claimed, is essential to meet expenses relating to higher education, career advancement, and day-to-day sustenance. Accordingly, the specific reliefs prayed for in the Applications, are as follows:

- (a). De-freezing of bank accounts as detailed in Annexure A-10/11 of the respective applications, to enable the Appellants to access funds required for educational and living expenses;
- (b). Permission to transfer funds from the frozen accounts, as detailed in Annexure A-9, into interest-bearing instruments, so as to mitigate the financial loss arising from idle and non-accruing funds.

2. The Appellants/Applicants are the daughters of Mr. Malvinder Mohan Singh, who, along with other co-accused persons, is presently facing trial before the learned Additional Sessions Judge-02, South-East District, Saket Courts, Delhi, in connection with FIR No. 50/2019 dated 27.03.2019, registered at Police Station - **Economic Offences Wing, Delhi**², for offences punishable under Sections 409, 420 and 120B of the Indian Penal Code, 1860.

3. In view of the offences being classified as scheduled offences under the PMLA, the **Enforcement Directorate**³/ **Respondent herein** registered ECIR/DLZO-II/05/2019 on 24.07.2019. Pursuant thereto, the ED filed a complaint and undertook further investigation, culminating in the issuance of freezing orders under Section 17(1A) of the PMLA in respect of the bank accounts and investments held by the

² EOW

³ ED



Appellants. Subsequently, on 26.08.2022, the ED filed a supplementary complaint elaborating on the findings of its investigation.

4. The allegations underlying the proceedings against Mr. Malvinder Mohan Singh and others pertain to the alleged siphoning of approximately Rs. 1,260 crores from **Religare Finvest Limited**⁴ by orchestrating a complex conspiracy wherein unsecured loans were routed to entities under promoter control, ultimately resulting in their misappropriation and causing substantial wrongful loss to RFL. Among the assets forming part of the alleged proceeds of crime was a London property acquired through M/s Clonberg Holdings Limited, which was sold in 2021 for an amount of 8 million GBP; the proceeds were subsequently transferred to accounts in the United Kingdom and Singapore and were partially applied towards loan repayments. The investigation further led to the seizure of various assets, including bank accounts, valuable artworks, sculptures, and related documents, while revealing a wider pattern of sophisticated layering and fund routing, with loans disbursed since 2008 allegedly used for evergreening prior debts and conferring undue benefit on promoter-controlled entities.

5. On 15.11.2022, the learned Adjudicating Authority, in Original Application No. 670/2022, passed an order under Section 8(3) of the PMLA confirming the retention of the frozen properties seized from the premises of the Appellants, including bank accounts, investments, documents, electronic devices, artworks and sculptures.

⁴ RFL



6. Aggrieved by the said order, the Appellants under Section 26 of the PMLA preferred separate appeals before the learned **Appellate Tribunal constituted under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976⁵**. However, by a common order dated 14.05.2024, the learned Appellate Tribunal dismissed the appeals and upheld the order passed by the Learned Adjudicating Authority.

7. Challenging the order dated 14.05.2024, the Appellants have filed appeals under Section 42 of the PMLA before this Court, and during the pendency of the said appeals, have moved the present applications for consideration.

8. It is apposite to set out herein the grounds on which the Appellants/Applicants seek directions through the present applications, which are as under:

- (a) The primary contention of the Applicants, as set out in their respective applications, is that they are in urgent need of funds amounting to approximately Rs. 5 crores each, which they require to meet the costs of their future educational pursuits (undergraduate, postgraduate or MBA programs, depending on the age and academic stage of each Applicant) and to cover their daily sustenance, maintenance, and living expenses.
- (b) The additional grounds are:
 - (i) Most of the frozen artworks were inherited or gifted by the Appellants' grandparents or parents and were acquired well before 2016, i.e., before the alleged offence period.

⁵ Appellate Tribunal



- (ii) The ED has frozen the Appellants' movable assets, including artworks and bank accounts, since 2022. The Appellants are not named as accused in the predicate offence under FIR No. 50/2019 or the related ECIR dated 24.07.2019. Charges framed by the learned Trial Court on 05.04.2025 indicate the alleged offence period is between 2016 and 2018.
- (iii) The EOW's chargesheet and supplementary chargesheet do not name the Appellants as accused. Similarly, they are not named in the complaints or supplementary complaints filed by the ED under the ECIR.
- (iv) There are no allegations or evidence linking the Appellants to the predicate offence or any offence under the PMLA. Their frozen bank accounts have no connection to the alleged proceeds of crime. This is further underscored by the fact that, even after three years of retention, none of these accounts have been made the subject of PMLA complaint proceedings. Continuing the freeze is baseless and is causing significant professional and personal hardship.
- (v) The freezing of 27 family bank accounts since May 2022 has caused a severe liquidity crisis. Moreover, the funds are lying idle, not invested in any interest-bearing instruments, leading to financial loss.

ANALYSIS & FINDING:

9. The principal contention advanced by the Appellants in these applications is that they require access to their frozen funds to cover



daily living expenses and to finance their intended educational pursuits.

10. Learned Counsel for the Respondent would point out that a similar prayer had previously been raised before the learned Appellate Tribunal, but was ultimately not pursued by the Appellants.

11. Though various arguments have been advanced, mainly in connection with the definition of “proceeds of crime” under Section 2(1)(u), in our opinion, for the purpose of adjudicating the present Application, we need not get into contentious questions of law. These applications can be adjudicated solely on the basis of the specific averments made in the Applications themselves and the supporting material placed on record.

12. The Applicant in CM Appl. 23458/2025 in Misc. Appeal (PMLA) 13/2024 has submitted emails reflecting an offer letter from the University of British Columbia, Canada, though notably, this document does not specify the applicable program fees. She has also placed on record offer letters from Loughborough University, the University of St Andrews, King’s College London and the University of Exeter (Streatham Campus), where the tuition fees range approximately between EUR 29,000 and 32,000 (roughly Rs. 27–30 lakhs).

13. The Applicants, in CM Appl. 23462/2025 in Misc. Appeal (PMLA) 12/2024 and CM Appl. 23457/2025 in Misc. Appeal (PMLA) 14/2024, assert that, as working professionals, they seek to pursue further education and therefore require funds to plan for and secure future academic opportunities.



14. In support of her claims, the Applicant in CM Appl. 23462/2025 has provided an email from Graduate Management Admission Council⁶ confirming she has taken the Graduate Management Admission Test⁷ examination; however, she has failed to produce her GMAT score or any evidence demonstrating formal participation in an admissions process or the submission of applications to specific institutions. Similarly, the Applicant in CM Appl. 23457/2025 has offered no documentary evidence whatsoever, relying solely on an unsubstantiated assertion that she intends to pursue a master's degree by the end of this year or the next.

15. In response, the learned Counsel for the Respondent rightly submits that two of the three Applicants have failed to provide credible or substantive evidence establishing any active engagement in an admissions or enrollment process. While one Applicant has furnished a GMAC confirmation email, she has provided no supporting documentation, such as test scores, formal applications, or offer letters.

16. As for the Applicant in CM Appl. 23458/2025, the Respondent's Counsel correctly submits that her anticipated tuition fees, approximately Rs. 30 lakhs, can be sufficiently covered from funds already available in six bank accounts, which together hold approximately Rs. 90 lakhs. Pertinently, these six accounts were never frozen by the ED. The details of these accounts have been duly placed on record.

⁶ GMAC

⁷ GMAT



17. Significantly, these factual assertions by the Respondent remain unchallenged, as the Applicants have failed to controvert or rebut these points in any meaningful way.

18. This Court finds merit in the submissions advanced by the Respondent.

19. Apart from the single quantified need of Rs. 30 lakhs for tuition, none of the Applicants has provided any substantial or persuasive material justifying why each of the Applicants would require access to almost Rs. 5 crores for educational costs or daily sustenance, maintenance, and living expenses.

20. Upon careful scrutiny, the Applicants' claims appear vague, inadequately substantiated, and ultimately unsustainable. Mere invocation of educational need, without presenting a concrete, detailed, and credible plan backed by documentation, cannot justify the sweeping relief they seek.

21. Moreover, it stands unchallenged that the only specific tuition-related need, approximately Rs. 30 lakhs, can be entirely covered by the Rs. 90 lakhs already available in the Applicants' accounts, which were never frozen by the ED, leaving no justifiable basis or urgent necessity for granting access to any additional funds.

22. As for the asserted need for living expenses, it is an admitted and uncontested fact that two of the three Applicants are already well-educated and gainfully employed professionals. No plausible, compelling, or urgent necessity has been demonstrated to warrant the release of such large sums merely to cover daily sustenance or maintenance.



23. It is important to underscore that the freezing of the Applicants' properties by the ED has already been confirmed by the learned Adjudicating Authority under Section 8(3) of the PMLA, and this confirmation has been upheld by the learned Appellate Tribunal in the impugned order.

24. The main appeals challenging the learned Appellate Tribunal's decision are currently pending before this Court and will be adjudicated on their merits. Should this Court ultimately find that the frozen properties are untainted, the Applicants will regain access to them.

25. However, if this Court concludes that the properties are indeed tainted, permitting the release of substantial funds now, would risk directly undermining the objectives and framework of the PMLA.

26. Furthermore, the other grounds raised in the present applications, which were also addressed by the learned counsels during the hearing, are available to the parties to raise at the time of arguments on the main appeals.

27. In the main appeals, the Respondent has filed a counter-affidavit, and the Appellants, as on 31.01.2025, have confirmed that they do not intend to file a rejoinder. Accordingly, the pleadings stand complete, and the appeals are ripe for hearing.

28. It is a well-established legal principle that, at the interim stage, the Court must refrain from deciding issues that could pre-emptively determine or effectively render the main petition or appeal infructuous, thereby undermining the proper adjudication of the case on its full merits.



29. In view of the foregoing, this Court finds no merit in these applications, and these, accordingly, stand dismissed.

30. The present applications are disposed of in these terms.

SUBRAMONIUM PRASAD, J.

HARISH VAIDYANATHAN SHANKAR, J.

JUNE 4, 2025/sm