

**BEFORE DESIGNATED COURT UNDER PMLA AT  
BOMBAY CITY CIVIL & SESSIONS COURT AT MUMBAI**

**ORDER BELOW EXH.1**

IN

**PMLA SPL. CASE NO.04 OF 2016  
ECIR NO.:ECIR/14/MZO/2013**

Directorate of Enforcement, )  
Through )  
The Assistant Director, )  
Mumbai Zonal office, Mumbai ) .. Prosecution

Versus

M/s. ARK Imports Pvt. Ltd. & 3 Ors. ) .. Accused

Learned SPP Ms.Punde for the Enforcement Directorate.

**CORAM : AJAY DINODE  
Special Judge, PMLA  
& Addl. Sessions Judge,  
City Civil & Sessions Court,  
Gr.Bombay**

**DATE : 24<sup>th</sup> January, 2017  
(Court Room No.33)**

**: ORDER :**

The Directorate of Enforcement has filed this complaint under Section 3 r/w Section 4 of the Prevention of Money-Laundering Act, 2002 (In short, PMLA 2002) against M/s ARK Imports Pvt. Ltd., Genex Infratech Ltd., Genex Polyfab Ltd. and Kailash Baburam Aggarwal.

2. Perused the record. It is claimed that M/s ARK Imports Pvt.

Ltd. indulged itself in criminal activities of acquisition of funds to the tune of Rs.532.85 Crore by conspiracy, falsification of documents, fraudulent trades, transacting non-existent goods, creating fictitious documents. By the said modus operandi, M/s. ARK Imports Pvt. Ltd. has acquired proceeds of crime to the tune of Rs.532.85 Crore by carrying out criminal activities relating to the scheduled offences, as defined under Section 2(1)(u) of PMLA 2002. The proceeds of crime were then further layered and used for their business activities, including purchase of raw materials, manufacturing, paying taxes and purchase of land.

3. M/s Genex Infratech Ltd. and M/s Genex Polyfab Ltd. indulged in acquisition of the proceeds of crime as defined under Section 2(1)(u) of PMLA 2002 from M/s ARK Imports Pvt. Ltd. to the tune of Rs.50.62 Crore and Rs.17.95 Crore respectively.

4. As per the provisions of Section 70(1) of PMLA 2002, the company is liable as legal entity for the contravention of the provisions of the law.

5. Kailash Aggarwal, Director and Controller of M/s ARK Import Pvt. Ltd., M/s.Genex Infratech Ltd. and M/s Genex Polyfab Ltd. has indulged himself in criminal activities of acquisition of funds to the tune of Rs.532.85 by carrying out criminal activities relating to the scheduled offences. He has layered and laundered the proceeds of crime used for his business activities, including purchase of raw material, manufacturing, paying taxes and purchase of land in the name of his group companies. The specific role and the acts are satisfied in the complaint.

6. From the contents of the complaint, it prima facie reflects that accused Nos.1, 2 and 3 in the capacity of company and accused No.4 in personal capacity managing the affairs of accused Nos.1, 2 and 3-company, have committed the offence under Section 3 punishable under Section 4 of PMLA 2002. There is sufficient material on record to take the cognizance of the offences under Section 3 r/w Section 4 of PMLA 2002 against accused Nos.1 to 4.

7. Accused Nos.1, 2 and 3 are the companies and liable for prosecution under Section 70(1) of PMLA 2002 and these companies are managed and administrated by accused No.4, who is already in custody before this Court. Hence no specific orders are required for issuance of process/summons against accused No.4. Therefore following order.

**: O R D E R :**

1. Cognizance under Section 3 r/w Section 4 of PMLA 2002 against accused Nos.1 to 4 is taken.
2. As accused No.4 is in custody and already received the copy of complaint, and additionally he is managing and administrating accused Nos.1 to 3 – company, no separate order for issue process/summons is required against the accused.
3. However, to avoid any technicalities, fresh process/summons be issued against accused Nos.1, 2, 3 and 4 r/o 16/02/2017.

Dt.24/01/2017

(Ajay Dinode)  
Special Judge, PMLA &  
Additional Sessions Judge,  
City Civil & Sessions Court,  
Gr. Bombay

Dictated on : 24/01/2017  
Typed on : 27/01/2017  
Signed on : 27/01/2017

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

On 27/01/2017 at 5.00 p.m.

UPLOAD DATE AND TIME

Mrs. M. M. Salgaonkar  
NAME OF STENOGRAPHER

Name of the Judge (With Court Room No.)	H.H.J. Shri Ajay R. Dinode, C.R.No.33
Date of Pronouncement of JUDGMENT/ORDER	24/01/2017
JUDGMENT/ORDER signed by P.O. on	27/01/2017
JUDGMENT/ORDER uploaded on	27/01/2017