

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 20352 of 2014 (O&M)
Date of decision: September 29, 2014.

M/s P.D. Agro Processors Pvt. Ltd. and others

...Petitioner

Versus

The State of Maharashtra and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. Manoj K. Singh, Advocate,
Mrs. Madhu Dayal, Advocate and
Mr. Arvind Thapliyal, Advocate,
for the petitioners.

K. KANNAN, J. (Oral)

1. The petitioner is aggrieved with the economic offences wing that has issued notices under Sections 4 and 5 of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999, which purports to cause attachment of their property. The attachment is possible under Section 4 of the said Act only at the instance of the government which on being satisfied that the financial establishment has failed to return the deposit or pay interest or to provide service promised could, in order to protect the interest of the depositors, issue an order, by publishing in official gazette, attaching money or property of the financial institution. The government may, while issuing an order of attachment under Section 4 of

the Act, has also the power under Section 5 to appoint any of its officer not below the rank of Deputy Collector as competent authority to exercise control.

2. The counsel says that the notice purports to direct an attachment of the properties.

3. Evidently, this order cannot be attachment. I clarify that this notice cannot be treated as attachment and the petitioner need not to have apprehension of the same. Any attachment can only take place in the manner which is set forth under the Act that does not include an investigation preparatory to securing an attachment. With these observations, the writ petition is disposed of.

4. I have dispensed with notice, for, I have merely explained that the impugned notices can not operate an attachment and the action is premature.

September 29, 2014
prem

(K.KANNAN)
JUDGE