

APPELLATE TRIBUNAL UNDER SAFEMA AT NEW DELHI

MP-PBPT-4535/RP/2023 (Exem.)

MP-PBPT-4534/RP/2023 (Stay)

FPA-PBPT-3170/RP/2023

M/s. Chattisgarh Sales Corporation ... Appellant

Versus

The Initiating Officer, BPU, Raipur ... Respondent

Advocates/Authorized Representatives who appeared

For the Appellant : Mr. Sanat Kapoor, Advocate

For the Respondent : Mr. Kanhaiya Singal, S.P.P.
Mr. Ajay Kumar, Advocate

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JUSTICE MUNISHWAR NATH BHANDARI : CHAIRMAN
SHRI G. C. MISHRA : MEMBER

FINAL ORDER

01.12.2025

The appeal is in the hands of beneficial owner M/s Chattisgarh Sales Corporation to challenge the order dated 27.07.2023 passed by the Adjudicating Authority while answering the reference sent by the Initiating Officer. The property in question and subject matter of provisional attachment exist in the name of benamidar Jogi Ram Sahu. The appellant M/s Chattisgarh Sales Corporation has not made any claim on the property yet proceedings were initiated against it under the Prohibition of Benami Property Transactions Act, 1988.

The learned counsel for the appellant submits that without any reasons, the notice was caused to the appellant and otherwise he is not owning the property under attachment, thus, the appeal has not been preferred to seek its release but challenge to the order has been made because the appellant was impleaded as beneficial owner for no reason. He can even be prosecuted based on the finding recorded by the Adjudicating Authority. Accordingly, prayer was made to cause interference in the Impugned Order qua the appellant.

The proxy counsel for the respondent contested the prayer and made elaborate arguments to oppose the appeal.

We have considered the rival submissions made by the counsel for the parties and find that on initiation of the proceedings, a notice was caused to the appellant before effecting provisional attachment order of the property. It was making Jogi Ram Sahu as the benamidar while three others as beneficial owner which includes even M/s Chattisgarh Sales Corporation. The appeal is basically to save the appellant from further proceedings based on findings recorded by the Adjudicating Authority.

It is alleged that he has no concern with the property. In light of the facts given above, we do not find any reason to cause interference in the Impugned Order of provisional attachment of the property as it is not alleged to be belonging to the appellant. The finding recorded by the Adjudicating Authority may effect the appellant for further action. We do not find any substance in that argument for the reason that prosecution has to rest on its own evidence and is to be laid by the respondent. The findings recorded in the order passed by the Adjudicating Authority is not to be carried out in criminal prosecution rather separate evidence has to be laid. It is also a fact that till date, no prosecution has been lodged. In any case, we dispose of this appeal with the observation that the prosecution would not be based only on the findings recorded in the Impugned Order. The prosecution always remains independent. In light of the aforesaid observation, the appellant would not be effected by the impugned order as otherwise he has not filed the appeal to seek release of the property provisionally attached. Accordingly, the appeal is disposed of with the observations made above.

**(Justice Munishwar Nath Bhandari)
Chairman**

**(G. C. Mishra)
Member**

**New Delhi,
1st December, 2025**
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