APPELLATE TRIBUNAL UNDER SAFEMA AT NEW DELHI

1. FPA-PMLA-2265/MUM/2025

TANVI KRISH SHAH ... Appellant

2. FPA-PMLA-2266/MUM/2025

SNEHAL CHIRAG SHAH ... Appellant

3. MP-PMLA-3465/MUM/2025 Stay
FPA-PMLA-2282/MUM/2025

JAYSHREE LAXMICHAND ... Appellant

4. MP-PMLA-3463/MUM/2025 Stay
FPA-PMLA-2281/MUM/2025

KRISH LAXMICHAND ... Appellant

5. MP-PMLA-3551/MUM/2025 Misc.
MP-PMLA-3596/MUM/2025 Stay
FPA-PMLA-2279/MUM/2025

JAGRUTI SHAH ... Appellant

6. MP-PMLA-3350/MUM/2025 Misc.
MP-PMLA-3486/MUM/2025 Stay
FPA-PMLA-2277/MUM/2025

CHIRAG MUKESH SHAH ... Appellant

7. MP-PMLA-5789/MUM/2025 COD
MP-PMLA-3674/MUM/2025 Misc.
MP-PMLA-3503/MUM/2025 Stay
FPA-PMLA-2303/MUM/2025

CHINTAN MUKESH SHAH ... Appellant

8. FPA-PMLA-2301/MUM/2025

VASANJI SHAH ... Appellant

9. FPA-PMLA-2302/MUM/2025

LAXMICHAND VASANVJI SHAH ... Appellant

10. MP-PMLA-3512/MUM/2025 Stay
MP-PMLA-3513/MUM/2025 Stay
FPA-PMLA-1069/MUM/2025

LAXMICHAND VASANJI SHAH ... Appellant

11. MP-PMLA-3416/MUM/2025 Stay
FPA-PMLA-1093/MUM/2025

M/S SHAH FARMA LLP (authorised signatory) ... Appellant

12. MP-PMLA-1112/MUM/2025 Stay
FPA-PMLA-1094/MUM/2025

MUKESH SHAH ... Appellant

13. MP-PMLA-3514/MUM/2025 Stay
FPA-PMLA-1065/MUM/2025

CINTAN SHAH ... Appellant

14. MP-PMLA-3417/MUM/2025 Stay
FPA-PMLA-1090/MUM/2025

CHIRAG MUKESH SHAH ... Appellant

15. MP-PMLA-5718/MUM/2025
FPA-PMLA-94/MUM/2026

SARLA D GALA ... Appellant

16. MP-PMLA-165/MUM/2026 CoD
MP-PMLA-3698/MUM/2025 Resto.
IN
FPA-PMLA-113/MUM/2026

JAGRUTI SHAH ... Appellant

17. MP-PMLA-163/MUM/2026 CoD
MP-PMLA-162/MUM/2026 CoD
MP-PMLA-3697/MUM/2025 Resto.
IN
FPA-PMLA-112/MUM/2026

M/S SWASTIK ENTERPRISES

(AUTHORISED REP.) ... Appellant

18. MP-PMLA-170/MUM/2026 CoD
MP-PMLA-3694/MUM/2025 Resto.
IN
FPA-PMLA-110/MUM/2026

CHETNA MUKESH SHAH ... Appellant

19. MP-PMLA-168/MUM/2026 CoD
MP-PMLA-3696/MUM/2025 Resto.
IN
FPA-PMLA-111/MUM/2026

SIDDHANT SHANKARAN IYER ... Appellant

20. MP-PMLA-164/MUM/2026 CoD
MP-PMLA-3695/MUM/2025 Resto.
IN
FPA-PMLA-109/MUM/2026

JAYSHREE SHAH ... Appellant

21. MP-PMLA-169/MUM/2026 Stay
MP-PMLA-171/MUM/2026 CoD
MP-PMLA-3693/MUM/2025 Resto.
IN
FPA-PMLA-108/MUM/2026

TANVI KRISH SHAH ... Appellant

22. MP-PMLA-166/MUM/2026 Stay
MP-PMLA-167/MUM/2026 CoD
MP-PMLA-3692/MUM/2025 Resto.
IN
FPA-PMLA-107/MUM/2026

KRISH LAXMICHAND SHAH ... Appellant

23. MP-PMLA-3417/MUM/2025 Stay
FPA-PMLA-1064/MUM/2025

CHINTAN MUKESH SHAH ... Appellant

24. MP-PMLA-5790/MUM/2025 COD
MP-PMLA-3683/MUM/2025 Misc.
FPA-PMLA-2268/MUM/2025

CHIRAG MUKESH SHAH ... Appellant

25. MP-PMLA-3960/MUM/2025 Exemp.
MP-PMLA-1858/MUM/2025 STAY
FPA-PMLA-1683/MUM/2025

Mrs. Snehal Dinesh Gadhecha ... Appellant

26. MP-PMLA-1860/MUM/2025 STAY
FPA-PMLA-1684/MUM/2025

M/s Wohlig Transformation Pvt. Ltd. ... Appellant

27. MP-PMLA-1861/MUM/2025 STAY
FPA-PMLA-1797/MUM/2025

M/s Digimaze Marketing Pvt. Ltd. ... Appellant

28. MP-PMLA-1831/MUM/2025 Stay
FPA-PMLA-778/MUM/2025

Krish Laxmichand Shah ... Appellant

29. FPA-PMLA-712/MUM/2025

Laxmichand Vasanji Shah HUF ... Appellant

30. MP-PMLA-1802/MUM/2025 Stay FPA-PMLA-757/MUM/2025

Vatsal Mukesh Rajgor ... Appellant

31. MP-PMLA-1803/MUM/2025 Stay FPA-PMLA-758/MUM/2025

Chetan Mukesh Shah ... Appellant

32. MP-PMLA-1804/MUM/2025 Stay FPA-PMLA-759/MUM/2025

Laxmichand V Shah ... Appellant

33. MP-PMLA-1805/MUM/2025 Stay FPA-PMLA-760/MUM/2025

Mrs. Jayshree L. Shah ... Appellant

34. MP-PMLA-1806/MUM/2025 Stay FPA-PMLA-761/MUM/2025

Mrs. Jagruti Shah ... Appellant

35. MP-PMLA-1807/MUM/2025 Stay FPA-PMLA-762/MUM/2025

Mukesh Shah ... Appellant

36. MP-PMLA-1830/MUM/2025 Stay FPA-PMLA-777/MUM/2025

Tanvi Krish Laxmichand Shah ... Appellant

37. MP-PMLA-1625/MUM/2026 Substitution MP-PMLA-1859/MUM/2025 STAY FPA-PMLA-2552/MUM/2025

Vasanji Shah, through

legal heir Laxmichand Vasanji ... Appellant

38. MP-PMLA-1882/MUM/2025 Stay FPA-PMLA-2232/MUM/2025

M/s Shah Farms LLP ... Appellant

39. MP-PMLA-1883/MUM/2025 Stay FPA-PMLA-2233/MUM/2025

M/s Swastik Enterprises ... Appellant

40. MP-PMLA-3504/MUM/2025 Stay FPA-PMLA-1068/MUM/2025

SIDDHANT SHANKARAN IYER ... Appellant

41. MP-PMLA-2337/MUM/2025 Stay FPA-PMLA-1145/MUM/2025

Mrs. Shobha Shankaran Iyer ... Appellant

42. MP-PMLA-2338/MUM/2025 Stay FPA-PMLA-1146/MUM/2025

Mr. Paresh Popatlal Chheda ... Appellant

43. MP-PMLA-2339/MUM/2025 Stay FPA-PMLA-1147/MUM/2025

Mrs. Jaishree L Shah ... Appellant

44. MP-PMLA-2340/MUM/2025 Stay FPA-PMLA-1148/MUM/2025

Mr. pradeep Lakhamsi Shah ... Appellant

45. MP-PMLA-2341/MUM/2025 Stay FPA-PMLA-1149/MUM/2025

Mrs. Madhukanta Chheda ... Appellant

46. MP-PMLA-2342/MUM/2025 Stay FPA-PMLA-1150/MUM/2025

Ms. Deepa Pradeep Shah ... Appellant

47. MP-PMLA-2343/MUM/2025 Stay FPA-PMLA-1151/MUM/2025

Mr. Harsh Paresh Chheda ... Appellant

48. MP-PMLA-2344/MUM/2025 Stay FPA-PMLA-1152/MUM/2025

Mr. Laxmichand V. Shah ... Appellant

49. MP-PMLA-2345/MUM/2025 Stay FPA-PMLA-1153/MUM/2025

Mr. Khushbu Megh Shah ... Appellant

50. MP-PMLA-2346/MUM/2025 Stay FPA-PMLA-1154/MUM/2025

Pradeep Lakhmsi Shah HUF ... Appellant

51. MP-PMLA-2347/MUM/2025 Stay

FPA-PMLA-1155/MUM/2025

Mr. Megh Pradeep Shah ... Appellant

52. MP-PMLA-2390/MUM/2025 Substitution
MP-PMLA-2389/MUM/2025 Stay
FPA-PMLA-1179/MUM/2025

Mr. Vasanji Shah, through legal heir ... Appellant

Versus

The Deputy Director,
Directorate of Enforcement,
Mumbai & Ors. ...
Respondents

Advocates/Authorized Representatives who appeared

For the Appellants : Mr. Vikram Chaudhary, Sr. Adv.
Mr. Rahul Hakani, Adv.
Mr. Sajal Yadav, Adv.
Mr. Prem Gada, Adv.
Mr. Vishesh Srivastava, Adv.
Mr. Anubhav Singh, Adv.
Mr. Nikhil Wase, Adv.
Mr. Shrey Sinha, Adv.
Mr. Parth Davar, Adv.
Mr. Swetab Kumar, Adv.
Mr. Adnan Sarang, Adv.
Mr. Rishul Seth, Adv.
Mr. Faraz, Adv.

For the Respondents : Mr. Abhimanyu Kaul, Adv.

CORAM

JUSTICE MUNISHWAR NATH BHANDARI : CHAIRMAN

FINAL ORDER
31.08.2026

The batch of appeals under Section 26 of the Prevention of Money Laundering Act, 2002 (in short `the Act of 2002') have been filed to challenge four different orders passed by the respondents out of which two orders were caused on 22.11.2024 and

26.12.2024 to provisionally attach the properties. Those orders have been confirmed by the Adjudicating Authority vide the orders dated 08.05.2025 and 26.05.2025. The two other appeals are arising out of the seizure/freezing of the articles and movable properties. The Adjudicating Authority allowed retention of the seized articles and freezing of bank and Demat accounts vide the orders dated 12.03.2025 and 11.04.2025 in reference to OA No.1359/2024 and OA No.1384/2024.

2. All the appeals have been taken together for the reason that they are arising out of the same ECIR and even based on the common facts though two appeals involve provisional attachment of the properties while other two are out of the seizure of articles and freezing of the movable properties.

Brief facts of the case:

3. It is a case where an FIR bearing No.04/2023 was registered on 20.04.2023 against M/s Fairplay Sport LLC and M/s Play Ventures N.V. for unauthorizedly streaming and broadcasting of the sport contents. The FIR was registered for the offence under Section 406,420 and 120-B of IPC, Section 66, 66B and 66C of the Information Technology Act, 2000 and Section 63 and 65 of the Copyright Act, 1957. It was alleged that unauthorized activities of streaming and broadcasting of the sport contents caused wrongful loss to M/s Viacom 18 Media Pvt. Ltd. and corresponding wrongful gain to M/s Fairplay Sport LLC and M/s Play Ventures N.V and their associates. The estimated wrongful

financial loss to M/s Viacom 18 Media Pvt. Ltd. was more than Rs.100 Crores. Since FIR No.04/2023 was disclosing a predicate offence, the respondents recorded ECIR on 26.12.2023 and initiated investigation under the Act of 2002. The provisional attachment of the properties coupled with search and seizure operation under Section 17 of the Act of 2002 were initiated during the course of investigation followed by two original applications to seek retention of the seized articles and freezing of movable properties in the shape of bank and Demat accounts. The Adjudicating Authority allowed to retain the articles seized including bank locker and continued the freezing of the bank and Demat accounts. Two orders for provisional attachment of the properties were also caused.

4. I am not referring to the allegations contained in FIR No. 04/2023 because the said FIR was quashed by the Bombay High Court in Criminal Writ Petition Nos.821-822/2025 vide order dated 12.02.2025. Though the allegation in the FIR was involving predicate offence coupled with generation of proceeds of crime but the FIR was quashed based on the understanding between the parties. The case did not end there because subsequent to FIR No.04/2023, many other FIRs were registered one after another. Those FIRs were also disclosing the predicate offence and, therefore, the respondents issued an addendum to the ECIR originally recorded to incorporate allegations of FIRs for the investigation. It is, however, a fact that the allegations in

subsequent FIRs are substantially different than FIR No.04/2023. In any case, the Provisional Attachment Orders of the properties so as the retention and continuance of the seizure/freezing were allowed to stand by the Adjudicating Authority and aggrieved by the aforesaid, the appeals were preferred by the appellants.

Arguments of counsel for the appellants

5. The learned counsel for the appellants submitted that a batch of 53 appeals have been preferred under the Act of 2002, which are arising out of the common set of proceedings initiated by the respondent – Directorate of Enforcement (ED).

6. The learned counsel for the appellants made a reference of each appellant with the statement of allegations against them, the description of which is as under:

(I) Mr. Krish Shah is alleged to be the owner and controller of the Fairplay Betting Website/App. The allegation against him is that he is the principal person behind the operation of the Fairplay betting platform.

The following other appellants fall under this category:

Tanvi Krish Shah - Wife

Jayshree L. Shah - Mother

Laxmichand V. Shah - Father

Vasanji Shah - Grand father

Laxmichand Vasanji Shah HUF - Father's HUF

M/s Swastik Enterprises - a partnership firm with Mr. Laxmichand Shah and Mrs. Sarla D. Gala as its partners

M/s Shah Farms LLP - a Limited Liability Partnership (LLP) with Tanvi Shah, Jayshree Shah and Laxmichand Shah as its designated partners.

It is pertinent to note that no specific allegation has been made against the family members or the partnership/LLP to suggest that they were involved in the operation or management of the Fairplay Betting Website/App. Their assets have been attached solely on the implied allegation that they are recipients or holders of the alleged proceeds of crime.

It is further alleged that the following companies belonging to Mr. Krish Shah were involved in the betting operations:

(a) M/s Play Ventures N.V., based in Curaçao

(b) Dutch Antilles Management N.V., based in Curaçao

(c) M/s Fair Play Sport LLC, incorporated in Dubai

(d) M/s Fairplay Management DMCC, incorporated in Dubai

(e) M/s Krish Sports Wear Trading LLC, based in Dubai

(f) Play Ventures Holding Limited, registered in Malta.

(II) Mr. Chirag Shah, Mr. Chintan Shah and their family members/company

Mr. Chirag Shah and Mr. Chintan Shah are alleged to be associated with Mr. Krish Shah and to have played an instrumental role in the establishment of the Fairplay Betting Website/App through their company, Wohlig

Transformations Private Limited. The Enforcement Directorate alleges that they formed part of the Fairplay betting enterprise.

The Appellants falling under this category include:

Chetna Mukesh Shah - their mother

Mukesh Shah - their father

Snehal Dinesh Gadhecha (also described in the appeal records as Snehal Chirag Shah) - wife of Chirag Shah

Jagruti Shah - wife of Chintan Shah

M/s Wohlig Transformations Pvt. Ltd. a company providing IT-related services, promoted by Chirag Shah and Chintan Shah. The company has a workforce of more than 200 employees and provides services to various government entities and listed companies. It has eight other shareholders with 49% shareholding.

While allegations have been levelled against Mr. Chirag Shah and Mr. Chintan Shah regarding their involvement with the Fairplay platform, no independent allegation has been made against their respective family members. Their properties have nevertheless been attached on the premise that they are in possession of, or beneficiaries of, the alleged proceeds of crime.

(III) Mr. Siddhant Shankaran Iyer and his mother, Mrs. Shobha Shankaran Iyer

Mr. Siddhant Iyer is alleged to have been involved in the administrative and operational activities of the Fairplay Betting Website/App.

No allegation has been made that the mother of Mr. Siddhant Iyer participated in or had any role in the Fairplay Betting Website/App. Her bank accounts and assets have been attached solely on the allegation that she was in possession of the alleged proceeds of crime.

(IV) Mr. Megh Shah and his family members

Mr. Megh Shah is alleged to have been responsible for the expansion of the Fairplay Betting Website/App.

The remaining Appellants connected with Mr. Megh Shah are:

Deepa Pradeep Shah - Mother

Khushbu Megh Shah - Wife

Pradeep Lakhamsi Shah - Father

Pradeep Lakhamsi Shah HUF - Father's HUF.

While allegations have been levelled against Mr. Megh Shah regarding his involvement with the Fairplay platform, no independent allegation has been made against his family members. Their properties have nevertheless been attached on the premise that they are in possession of, or beneficiaries of, the alleged proceeds of crime.

(V) Mr. Harsh Paresh Chheda, his father Mr. Paresh Popatlal Chheda and his mother Mrs. Madhukanta Chheda

(VI) Mr. Vatsal Rajgor and his company, Digimaze Marketing Pvt. Ltd.

7. The learned counsel for the appellants submitted that the appellant Krish Shah was not directly or indirectly owning Fairplay website or application. He did not exercise ownership, control or beneficial interest over the Fairplay platform so as to involve him in commission of crime. The respondents framed the case based on presumption that appellant Krish Shah is the owner or controlling Fairplay website or application and, therefore, alleged proceeds of crime are attributable to him. It was further submitted that Krish Shah is a non-resident Indian citizen carrying on various business activities in the United Arab Emirates.

8. On 11.09.2019, the appellant Mr. Krish Shah incorporated a single-person company in Dubai known as Fair Play Sports LLC with the objective of doing sports related business. He had also incorporated "Fairplay Management DMCC" on 23.12.2021 for carrying out activities of marketing and advertisement. These companies carried out activities for the websites/apps "Fairplay News", which showed sports news, and "Fairplay Fantasy", and alleged to have been dealt with online gaming. The appellant chose the name "Fairplay" as there are many companies engaged in sports-related business around the world using the name "Fairplay". The appellant has, in his reply, elaborated on the wide usage of the name "Fairplay" by various stakeholders around the world.

9. The learned counsel for the appellants further submitted that the appellant Krish Shah was also a shareholder of Jay and Prateek Foodstuff Trading LLC, registered in Dubai and carrying on the business of trading in edible oils, basmati rice, etc. His bank accounts in different entities were also freezed by the respondents though it had no connection whatsoever with the alleged commission of crime. The counsel for the appellants made reference of other facts relevant to the case with the emphasis on the FIR No.04/2023 which was the basis for causing provisional attachment of the properties, for recording reasons to believe and finally Original Application/Original Complaint under Section 17(4), 5 and 8 of the Act of 2002, respectively. It is coupled with the fact that the proceedings in regard to the FIR No.04/2023 were quashed by the Bombay High Court, thus there was no reason for the Adjudicating Authority to confirm the provisional attachment of the properties and the order for retention of the seized articles and even continuance of the freezing order. The Adjudicating Authority had taken into consideration the subsequent FIRs though were not part of the Provisional Attachment Orders or seizure and freezing so as the OA/OC in reference to which the impugned orders have been passed. Thus, the entire action of the respondents could not have been endorsed by the Adjudicating Authority based on the facts which are not taken into consideration while causing provisional attachment of the properties or seizure/freezing of the articles/movable properties.

10. The learned counsel for the appellants further submitted that apart from the facts given above, the Adjudicating Authority even ignored the source for acquisition of the properties under provisional attachment or under freezing, such as the bank and Demat accounts, apart from seizure of the bank locker, etc. The Adjudicating Authority ought to have denied confirmation of the provisional attachment of the properties and even to allow retention of the seized articles and continuance of the freezing of the bank and Demat accounts, apart from the seizure of the bank lockers, etc.

11. The learned counsel for the appellants further submitted that subsequent FIRs were registered in reference to the allegation for involvement of certain entities in betting operations. The betting does not involve an offence under IPC and otherwise is not a scheduled offence and thereby the Adjudicating Authority ought not to have confirmed the provisional attachment of the properties and retention of the seized articles and freezing of the bank and Demat accounts, apart from the seizure of the bank locker. The Adjudicating Authority, however, ignored the aforesaid facts while passing the impugned order which deserves to be set aside on the grounds urged by the appellants.

12. The learned counsel for the appellants further submitted that the respondents caused blanket provisional attachment of the properties of the entire group belonging to appellant Krish Shah and his family members, apart from associated entities. It

includes even ancestral property and property not connected with the commission of crime. The scheduled offence did not continue after the orders of Bombay High Court in reference to which the Provisional Attachment Order was caused or seizure or freezing was made by the respondents followed by the Original Application or the Original Complaint. It is more so when the respondents could not disclose any apprehension for alienation of the property and that in absence of the provisional attachment, the properties would be dealt with by the appellants. In view of the above also, the impugned order deserves to be set aside.

13. In the light of the submissions made above, there remains reason to cause interference in the impugned order. It is more so when the respondents themselves admitted before the Bombay High Court that if FIR No.04/2023 is quashed, the proceedings initiated on the basis of it would fail. Having taken a stand before the High Court, the respondents should not be allowed to take U-turn to sustain the impugned orders. It is more so when the allegation in the first FIR No.04/2023 was containing altogether different allegations than in the subsequent FIRs. The prayer was accordingly made to allow the appeals on all the grounds urged by the appellants.

14. The learned counsel for the appellants did not raise any other ground than referred to above. It is despite an opportunity to raise any other legal or factual issue. The counsel for the

appellants recorded his satisfaction to the issues raised by him for the consideration of the Tribunal.

Arguments of counsel for the respondents:

15. The batch of appeals were vehemently contested by the counsel for the respondents on all the grounds raised by the appellants. Elaborate arguments were made to deal with each and every issue and would be referred while recording finding to the issues raised by the appellants. It is to avoid repetition of facts and for the sake of brevity.

Finding of the Tribunal:

16. I have considered the rival submissions of the parties and scanned the record carefully.

17. The brief facts pertaining to the case have been given in the opening para of this order which refers to the registration of FIR No.04/2023 against the accused M/s Fairplay Sport LLC and M/s Play Ventures N.V. for unauthorizedly streaming and broadcasting of the sport contents. The FIR was disclosing a predicate offence and accordingly respondents recorded the ECIR on 26.12.2023 and caused investigation under the Act of 2002. During the course of investigation, the respondents made search and effected seizure of the articles and freezing of the bank and Demat accounts, apart from the seizure of the bank locker. As per the requirement of Section 17(4) of the Act of 2002, the Original Application was sent to the Adjudicating Authority to seek retention of the seized articles and continuance of the

freezing of the bank and Demat accounts. It was also for the bank locker. The Adjudicating Authority allowed retention of the articles seized at the time of search, which includes the bank locker and at the same time continued freezing of the bank and Demat accounts of the appellants. The order aforesaid was passed by the Adjudicating Authority in reference to two separate O.As and accordingly two separate appeals have been preferred by the appellants to challenge those orders.

18. The other set of appeals are arising out of the provisional attachment of the properties for which two separate orders were passed followed by two separate orders by the Adjudicating Authority to confirm the provisional attachment of the properties and accordingly separate appeals were filed to challenge those orders also.

19. The main thrust of the argument of the appellants was in regard to FIR No.04/2023 disclosing a predicate offence on the complaint by M/s Viacom 18 Media Pvt. Ltd. The amount of loss claimed by it was assessed to be of more than Rs.100 Crores. It is, however, a fact that the proceedings pursuant to the FIR No.04/2023 were interfered by the Bombay High Court in Criminal Writ Petition Nos.821-822/2025 vide its order dated 12.02.2025. It is said to be on account of settlement between the parties. The predicate offence involved in FIR No.04/2023 no more remains after causing interference in the proceedings by the Bombay High Court. The order of Bombay High Court is

subsequent to the order of provisional attachment of the properties and even order of seizure of articles and freezing of the bank and Demat accounts, etc. The fact aforesaid becomes relevant for the reason that if no predicate offence remains under which the provisional attachment was caused and even seizure and freezing, it may not remain sustainable. Accordingly, the theme of the argument of the appellants was in reference to the order passed by the Bombay High Court to quash the proceedings under the FIR No.04/2023 and in the light of the fact aforesaid, the prayer was made to cause interference in the impugned orders.

20. The appellants further made submission that subsequent to FIR No.04/2023, 8 to 9 FIRs were registered. However, it was for altogether different allegations and otherwise, the Provisional Attachment Order was not caused in reference to those FIRs, rather there is no reference of the subsequent FIRs in the Provisional Attachment Order and accordingly subsequent FIRs and the allegations made therein do not find place even in the "Reasons to Believe" recorded by the respondents to sustain provisional attachment of the properties and even the seizure or freezing of the bank and Demat accounts, etc. The reference of the subsequent FIRs does not exist even in the Original Application filed under Section 17(4) of the Act of 2002 pursuant to the search and seizure under Section 17(1) and even in the original complaint to seek confirmation of the provisional

attachment of the properties. The impugned Provisional Attachment Order was not caused in reference to the allegations made in the subsequent FIRs and thereby the Adjudicating Authority could not have made out a new case by referring the allegations in the subsequent FIRs when determination of the proceeds of crime either for the purpose of provisional attachment of the properties or for continuance of the freezing of bank and Demat accounts was not made in reference to subsequent FIRs. They were only in reference to the FIR No.04/2023. In view of the above, the Provisional Attachment Order would not be sustainable so as its confirmation. Same is the position for seizing and freezing of the articles and bank and Demat accounts and the order on the Original Application under Section 17(4) of the Act of 2002. The prayer was accordingly made to cause interference in the impugned order.

21. The first limb of the argument was seriously contested by the learned counsel for the respondents. Elaborate arguments were made after giving reference to the prosecution complaint filed by the respondents. It was in reference to the subsequent FIRs finding a predicate offence therein. It was with the allegation against the appellants for their involvement in betting and unlawful gambling. Many other allegations have also been made in the subsequent FIRs and accordingly it was taken into consideration by the Adjudicating Authority. The details of the prosecution complaint though filed subsequently in reference to

the FIRs registered other than FIR No.04/2023 were given to make a statement that those FIRs were containing predicate offence thus, quashing of FIR No.04/2023 is not sufficient to demolish the case of the respondents. It is more so when the respondents issued addendum to the ECIR so as to incorporate the subsequent FIRs and the allegations contained therein. It was further alleged that the allegation for involvement of the appellants in betting activities and even in gambling cannot be said to be substantially different than the allegation in the first FIR alleging illegal streaming and broadcasting of sport contents. The prayer was accordingly made that looking to the subsequent FIRs and prosecution complaint in reference to it should be taken note to confirm the order passed by the Adjudicating Authority.

22. I have considered the rival submissions of the parties in reference to the first argument and find that the ECIR was initially recorded in reference to the allegation made in FIR No.04/2023 which, according to the respondents, was involving more than Rs.100 crores. It was alleged to have been obtained by the appellants by streaming and broadcasting of IPL. The counsel for the respondents, however, could not dispute that FIR No.04/2023 does not survive after an order passed by the Bombay High Court in Criminal Writ Petition Nos.821-822/2025 on 12.02.2025. In the light of the aforesaid, the first issue raised by the appellants is to be determined. To address the issue, I have gone through the Provisional Attachment Order so as the Original Complaint sent

to the Adjudicating Authority to seek confirmation of the Provisional Attachment Order. It is also the Original Application under Section 17(4) of the Act of 2002 sent by the respondents to the Adjudicating Authority to seek retention of seized articles and continuance of freezing of the bank and Demat accounts, apart from the bank locker. In those orders, I find reference only of FIR No.04/2023 and not of the subsequent FIRs to find out the proceeds of crime. The reference of subsequent FIRs and the allegations made therein does not find place even in the "Reasons to Believe" recorded by the respondents. Thus, subsequent FIRs containing the allegations and the amount involved therein were not part of the Provisional Attachment Order and the Original Complaint under challenge. It was also not part of the seizure and freezing coupled with the Original Application sent to the Adjudicating Authority under Section 17(4) of the Act of 2002 to seek retention of the seized articles and continuance of the freezing of the bank and Demat accounts. It may be that the Prosecution Complaint was filed subsequently in reference to the FIRs other than FIR No.04/2023 but that cannot endorse the impugned Provisional Attachment Orders or the seizure and freezing orders when it was not caused in reference to the subsequent FIRs. In fact, there is no reference of subsequent FIRs along with the contents and the role of the appellants coupled with the quantification of the proceeds involved in those FIRs. All these facts are missing in the Provisional Attachment Order coupled with the Original Complaint and even "Reasons to Believe" recorded by the respondents. It is even for the action under Section 17 of the Act of 2002. In fact, subsequent FIRs could have been taken by the respondents to cause appropriate order separately. It is more so when the respondents had issued addendum to the ECIR and, therefore, investigation in reference to the subsequent FIRs could have been taken up by the respondents separately for causing appropriate orders but could not have been taken basis to justify Provisional Attachment Order or order of seizure and freezing passed solely based on FIR No.04/2023. Thus, I find substance in the argument of the counsel for the appellants for its acceptance. It is more so when the entire argument of the respondents is based on the subsequent Prosecution Complaint filed in reference to the FIRs other than FIR No.04/2023. It is in ignorance of the fact that subsequent FIRs could give fresh cause to the respondents to take up the issue and after causing investigation, to pass appropriate order. It could not have been done by the Adjudicating Authority in absence of Original Complaint and Original Application referring to the subsequent FIRs with quantification of the proceeds involved therein. Thus, I do not find that the impugned orders can be allowed to stand. The finding aforesaid has been recorded with the observation.

23. The second argument raised by the appellants was that after the order of the Bombay High Court causing interference in FIR

No.04/2023, no predicate offence remains. The argument aforesaid cannot be accepted in the light of the subsequent FIRs disclosing the predicate offence and addendum issued by the respondents. It is, however, clarified that the subsequent FIRs and addendum to the ECIR could not have been taken into consideration by the Adjudicating Authority when it was not referred either in the Original Application filed under Section 17(4) of the Act of 2002 or the Original Complaint to seek confirmation of the Provisional Attachment Order. The second issue raised by the appellants is decided accordingly.

24. The learned counsel for the appellants further submitted that the betting is not a predicate offence and otherwise it does not make out an offence under Section 420 IPC. Thus, the subsequent FIRs containing the allegations against the appellants for their involvement in betting and even in gambling could not have been taken to indicate predicate offence. I find argument aforesaid to be unnecessary for the reason that once subsequent FIRs have not taken into consideration while causing of the Provisional Attachment Order or the Original Complaint and action in reference to Section 17(1) with Original Application under Section 17(4) of the Act of 2002, the argument in reference to the subsequent FIRs can be considered as and when necessity arises and not in reference to the facts of the case and more specifically the main argument of the appellants to challenge provisional attachment of the properties or the freezing of the

bank and Demat accounts along with bank locker. It is clarified that the argument in reference to each appellant to contest the allegation would again be unnecessary when the subsequent FIRs have not been referred in the provisional attachment of the properties coupled with the seizure and freezing of the articles, apart from the bank and Demat accounts. The argument aforesaid is concluded with the aforesaid.

25. The learned counsel for the appellants has further referred to the source to acquire the property under provisional attachment or freezing of the bank and Demat accounts by the respondents. A detailed chart has been given to indicate source of each property. It is for all the movable and immovable properties. The counsel for the respondents has made contest on the aforesaid. However, when I am inclined to accept the first argument raised by the appellants holding that the impugned orders cannot sustain because the provisional attachment of the property coupled with freezing of the movable property were not caused in reference to subsequent FIRs, rather it was only in reference to FIR No.04/2023 the interference in the orders is made. Thus, the issue in regard to disclosure of source of the property is not dealt with at this stage.

26. The Provisional Attachment Order and the Original Complaint are not sustainable so as the seizure/freezing coupled with the Original Application, and even the order passed by the Adjudicating Authority when it has been passed going beyond the

material considered by the respondents while causing Provisional Attachment Order followed by the Original Complaint to seek confirmation of the Provisional Attachment Order and even the Original Application to seek retention of the seized articles and freezing of the movable properties.

27. In view of the above, I cause interference in the impugned orders and are set aside with the observation made in this order. The appeals are allowed with the aforesaid.

(Justice Munishwar Nath Bhandari)
Chairman

New Delhi
31.08.2026
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