



2026:DHC:3102-DB



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

Reserved on: 06.04.2026
Pronounced on: 16.04.2026

+ **MISC. APPEAL (PMLA) 27/2026 & CM APPL. 21571/2026**

SMT. RAMA RANI HOTAAppellant

Through: **Mr.Gaurav Gupta, Ms.Nidhi Singh, Mr.Abhishek Samal, Ms.Nisha Nandani Singh, Ms.Isha Rajgharia and Mr.Abhishek Pareek, Adv.**

versus

SH. PRASANNA KUMAR HOTA AND ORSRespondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

J U D G M E N T

NAVIN CHAWLA, J.

1. This appeal has been filed under Section 49 of the Prohibition of Benami Property Transactions Act, 1988 ('PBPT Act'), challenging the order dated 12.09.2025 passed by the learned Appellate Tribunal under SAFEMA at New Delhi (hereinafter referred to as the "Tribunal") in MP-PBPT-2784/CHD/2025 in FPA-PBPT-1190/CHD/2020 titled *Sh. Prasanna Kumar Hota v. The Initiating Officer, BPU, Chandigarh*, whereby the application for intervention filed by the appellant herein, being MP-PBPT-2784/CHD/2025, was



dismissed by the learned Tribunal with the following observations:

“An application has been filed of the impleadment in the review application though similar application was dealt with while the appeal was heard and decided covering it by the judgement of the Apex Court in the case of Union of India vs Ganapati Dealcom reported in (2023) 3 SCC 315. The judgement, in the case of Ganapati Dealcom (supra) has been recalled by the Apex Court vide its order dated 18.10.24 with liberty to parties to seek review of the order if it was passed relying the judgement in the case of Ganapati Dealcom (supra). We have allowed similar review application and application for condonation of delay however, the applicant application for intervention in the review application has again made an in regard to inter-se dispute which cannot be addressed in these proceedings. Repeated effort of the applicant to move application is at the cost of the time of the bar and the bench. Such a practise needs to be deprecated. It is for the reason that the similar application was not entertained because this tribunal cannot enter into interse dispute between the parties and cannot be addressed even in this review application. The application for intervention is accordingly dismissed with the cost of Rs. 10,000/- on the applicant to be deposited of the Bar Association under Appellate Tribunal for Forfeited Property, New Delhi. ...”

FACTS OF THE CASE:

2. Briefly stated, it is the case of the appellant that FPA-PBPT-1190/CHD/2020 was filed before the learned Tribunal by the respondent no.1 herein, challenging the order dated 11.05.2020 passed by the Adjudicating Authority under Section 26(3) of the PBPT Act as amended by the Benami Transactions (Prohibition) Amendment Act,



2016 ('Amendment Act').

3. Since the alleged benami transactions pertained to a period prior to the date of enforcement of the Amendment Act, the learned Tribunal, *vide* order dated 15.12.2022, allowed the said appeal and set aside the order passed by the Adjudicating Authority in terms of the judgement of the Supreme Court in ***Union of India & Anr. v. Ganpati Dealcom Pvt. Ltd.***, 2022 SCC Online SC 1064.

4. The appellant asserting that she is the legally wedded wife of the respondent no. 1 and that the respondent no. 1 had deliberately filed false information and evidence in the above appeal, that is FPA-PBPT-1190/CHD/2020, claiming respondent no. 2 to be his wife, filed an application, being MP-PBPT-91/CHD/2024 in the said appeal before the learned Tribunal, for taking cognizance of offences under Section 54 of the PBPT Act and Section 193 of the Indian Penal Code, 1860 ('IPC') allegedly committed by the respondent no.1. She asserted that she was the legally wedded wife of the respondent no.1 and that he had misrepresented himself to be the husband of Smt. Sujata Nanda, that is, the respondent no. 2 herein, to mislead the learned Tribunal. This application, however, was dismissed as withdrawn by the appellant *vide* order dated 07.02.2024.

5. Thereafter, in the review petition filed against ***Ganpati Dealcom*** (supra) before the Supreme Court, an order dated 18.10.2024 was passed *vide* which liberty was granted to parties to seek review in cases where proceedings were decided based on ***Ganpati Dealcom*** (supra). Accordingly, a review application, being MP-PBPT-1743/CHD/2024, along with an application seeking condonation of



delay in filing the said review, being MP-PBPT-1744/CHD/2024, was filed by the department before the learned Tribunal to revive the earlier PBPT proceedings which had been disposed of *vide* the order dated 15.12.2022.

6. In the said review application, the appellant preferred the intervention application, being, MP-PBPT-2784/CHD/2025, which has been dismissed by the learned Tribunal by way of the Impugned Order. Aggrieved of the same, the appellant has preferred the present appeal.

SUBMISSIONS MADE BY THE LEARNED COUNSEL FOR THE APPELLANT:

7. The learned counsel for the appellant submits that the learned Tribunal has erred in dismissing the intervention application without considering the merits or the varied prayers raised, including taking the submissions of the appellant on record.

8. He submits that the marriage between the appellant and the respondent no. 1 was solemnised on 27.05.1969. Thereafter, though the respondent no.1 filed a divorce petition before the learned Family Court, the said petition was withdrawn unconditionally on 05.01.2018. He submits that thereafter, on 07.06.2022, the respondent no.1 filed an application seeking restoration of the said divorce proceedings, which was dismissed by the learned Family Court *vide* order dated 06.02.2026. He contends therefore, that the appellant is still the legally wedded wife of the respondent no.1.

9. He highlights that the respondent no.1 has falsely portrayed



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himself to be the husband of the respondent no. 2 before the learned Tribunal. He submits that the said assertion has been made by the respondent to falsely avail the benefit of the exception of Section 2(9)(A)(b)(iii) of the PBPT Act.

10. He submits that the appellant is aggrieved by the actions of the respondent no.1, inasmuch as the purchase of the said benami property has been made from the family's HUF funds without bringing it to the knowledge of the appellant.

11. He submits that the learned Tribunal has erred in opining that '*a similar application was dealt with while the appeal was heard and decided*'. He submits that the learned Tribunal has failed to appreciate that the earlier application was filed seeking cognizance of the offence committed by the respondent no.1 under Section 54 of the PBPT Act, after the main appeal had been decided. He highlights that the same was never heard by the learned Tribunal but was rather withdrawn due to the pendency of the review proceedings in *Ganpati Dealcom* (supra) at that time.

12. He submits that the appellant has also filed a criminal complaint against the respondent no.1 under Section 494 of the IPC before the learned Metropolitan Magistrate, cognizance on which has been taken and summons issued to the respondent no.1 *vide* an order dated 06.11.2023.

13. He submits that therefore, the Impugned Order is liable to be set aside as the facts presented by the appellant shall have a material bearing on the case pending before the learned Tribunal.



ANALYSIS AND FINDINGS:

14. We have considered the submissions made by the learned counsel for the appellant.

15. We find no question of law being made out by the appellant to arise in the present appeal.

16. The proceedings before the learned Tribunal emanate from the order dated 11.05.2020 passed by the learned Adjudicating Authority under Section 26(3) of the PBPT Act. In such proceedings, the matrimonial dispute between the appellant and the respondent no.1 has no bearing. It is for the Department to satisfy the learned Tribunal on continuation of the attachment order confirmed by the Adjudicating Authority and for the respondent no.1 to satisfy the learned Tribunal against it. The appellant is neither a necessary nor a proper party in such proceedings.

17. The issue whether the respondent no.2 is the legally wedded wife of the respondent no.1 and whether the respondent no.1 can claim exemption under Section 2(9)(A)(b)(iii) of the PBPT Act, is a matter to be determined by the learned Tribunal on hearing the Department and the respondent no.1. The appellant was clearly trying to expand the nature of the proceedings pending before the learned Tribunal by bringing in her matrimonial dispute into the same. The application for intervention has, therefore, rightly been rejected by the learned Tribunal.

18. As far as the submission of the learned counsel for the appellant that the learned Tribunal has wrongly stated that the earlier application filed by the appellant had been dismissed on merit, the same does not



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persuade us to entertain the present appeal. The fact remains that the earlier application filed by the appellant raising similar plea, had been withdrawn by the appellant. In any case and as noted hereinabove, we even otherwise do not find any merit in the application filed by the appellant before the learned Tribunal and are of the opinion that the same has rightly been rejected by the learned Tribunal.

19. We, therefore, find no merit in the present appeal. The same along with the pending application is dismissed.

20. We clarify that no observation made by us in the present order, should, in any manner, prejudice either the appellant or the respondent no. 1 or 2 in their *inter se* disputes.

21. There shall be no order as to costs.

NAVIN CHAWLA, J.

RAVINDER DUDEJA, J.

APRIL 16, 2026/ns/ik