PREVENTION OF MONEY-LAUNDERING (APPEAL) RULES, 2005

e 3 1 THE PREVENTION OF MONEY-LAUNDERING (APPEAL) RULES, 20051 In exercise of the powers conferred by sub-section (1) and clause (r) and clause (x) of sub-section (2) of section 73 read with section 35 of the Prevention of Money- laundering Act, 2002 (15 of 2003), the Central Government hereby makes the rules for the purpose of appeals under the said Act, namely:— 1. Short title and commencement.—(l) These rules may be called the Prevention of Money-laundering (Appeal) Rules, 2005. (2) They shall come into force on the date2 of their publication in the Official Gazette

2. Definitions.—(l) In these rules, unless the context otherwise requires,— (a) (b) (c) (d) (e) (f) (g) (h) (i) "Act" means the Prevention of Money-laundering Act, 2002 (15 of 2003); "Adjudicating Authority" means an Adjudicating Authority appointed under sub-section (1) of section 6 of the Act; "Appellate Tribunal" means the Appellate Tribunal established under section 25 of the Act; 'appellant" means an aggrieved person who prefers an appeal before the Appellate Tribunal; "Director" means the Director appointed under sub-section (1) of section 49 of the Act; "Form" means the form appended to these rules; "order" means an order passed by the Director under sub-section (2) of section 13 of the Act or by the Adjudicating Authority under section 8 of the Act, as the case may be; "Registrar" means the Registrar of the Appellate Tribunal; "section" means a section of the Act. (2) All other words and expressions used and not defined in these rules but defined in the Act, shall have the meaning respectively assigned to them in the Act

3. Form of Appeal.—(l) Every appeal preferred before the Appellate Tribunal against the order of the Adjudicating Authority or the Director, as the case may be, under section 26 of the Act shall be in the Form as appended to these rules and the appeal shall be in quadruplicate and accompanied by four copies of the order appealed against. (2) At the time of filing, every appeal shall be accompanied with an amount of fee as given in the Table below, in the form of demand draft payable in favour of the Registrar, Appellate Tribunal, New Delhi: 1. Vide G.S.R. 449 (E), dated 1st July, 2005, published in the Gazette of India, Extrm, Pt. 11, Sec. 3(i), dated 1st July, 2005

2. Came into force on 1-7-2005.103 104 Sl. No. 1. 2. 3

4. The Prevention of Money-laundering (Appeal) Rules, 2005 [Rule 5 TABLE Amount of fine imposed Where the amount of fine imposed under sub-section (2) of section 13 of the Act is Rs.10,000. Where the amount of fine imposed under sub-section (2) of section 13 of the Act is more than Rs. 10,000 and u to Rs. 50,000. Where the amount of fine imposed under sub-section (2) of section 13 of the Act is more than Rs. 50,000 Amount of fee a able Rs. 1,000 Rs. 2,500 Rs. 5,000 Appeal against attachment of any property or retention of the seized property or record. Where appeal is against the orders made by the Rs. 10,000 Adjudicating Authority under sub-section (3) or sub-section (6) of section 8 of the Act. (3) The appeal shall set forth concisely and under distinct head the grounds of objection to the order appealed against and such grounds shall be numbered consecutively; and shall specify the address of service at which notice or other processes of the Appellate Tribunal may be served on the appellant and the date on which the order appealed against was served on the appellant. (4) Where the appeal is preferred after the expiry of the period of forty-five days referred to in sub-section (3) of section 26 of the Act, it shall be accompanied by a petition, in quadruplicate, duly verified and supported by the documents, if any, relied upon by the appellant, showing cause as to how the appellant had been prevented from preferring the appeal within the period of forty-five days. (5) Any notice required to be served on the appellant shall be served on him in the manner prescribed in rule 5 of these rules at the address of service specified in the appeal

4. Order of the Appellate Tribunal.—The order of the Appellate Tribunal shall be in writing and shall state the reasons for the decision

5. Service of notice, requisitions or orders.—A notice, requisition or an order issued under these rules shall be served on any person in the following manner:— (a) by delivering or tendering the notice or requisition or order to that person or the person duly authorized by him; or (b) by sending the notice or requisition or order to him by registered post with acknowledgement due to the address of his place of residence or his last known place of residence or the place where he carried on, or last carried on, business

or personally works or last worked for gain; or (c) by affixing it on the outer door or some other conspicuous part of the premises in which the person resides or is known to have last resided or carried on business or personally works or has worked for gaily I. The words "and upto Rs. I lakh" omitted by G.S.R. 1116(E), dated 6th December, 2016 (w.e.f. 6-12-2016). and that written report thereof should be witnessed by two persons; or (d) if the notice or requisition or order cannot be served under clause (a) or clause (b) or clause (c), then by publishing in a leading newspaper (both in vernacular and in English) having wide circulation in the area or jurisdiction in which the person resides or is known to have last resided or carried on business or personally works or last worked for gain

6. Interpretation.—lf any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government and the decision Of the Central Government shall be final. FORM [Sæ sub-rule (I) of rule 3] (Mention name and address of the appellant here) To The Registrar, Appellate Tribunal (Address) Sir, The above-named appellant, begs to prefer this appeal under section 26 of the Prevention of Money-laundering Act, 2002 against order Number .....dated ....passed by the Director or the Adjudicating Authority (strike out whichever is inapplicable) under the said Act on the following facts and grounds. FACTS (Mention briefly the facts of the case here. Enclose copy of the order passed by the Director or Adjudicating Authority (strike out whichever is inapplicable) and copies of other relevant documents, if any) GROUNDS (Mention here the grounds on which appeal is preferred) PRAYER In the light of what is stated above, the appellant prays for the following relief:— RELIEF SOUGHT (Specify the relief sought) DECLARATION The fee payable for this appeal as shown in Table given in sub-rule (2) of rule 3 of these rules has been deposited in the form of demand draft with the Registrar, Appellate Tribunal, New Delhi vide receipt number.....dated . Signature of the Appellant Name of the Appellant List of documents Date..... Signature of the Appellant