

Date: 30.11.2017

1. The Chairman has felt necessary to make New Roster regarding the Constitution of Bench subsequent to the joining of Ms. Ananya Ray, Member.

2. With the recent changes in the PMLA, 2005 (Section 25) and SAFEMA, 1976 (Section 12) by the Finance Act, 2016, w.e.f. 01.06.2016, the Appellate Tribunal constituted under Section 12(1) of SAFEMA shall be the Appellate Tribunal for hearing of appeals against the orders of the Adjudicating Authority and the other authorities under the PMLA also. Consequently, and in modification of the earlier position when there were two separate Appellate Tribunals-the Appellate Tribunal for Forfeited Property (ATFP) under SAFEMA (for appeals under SAFEMA and NDPS Act) and the Appellate Tribunal under PMLA (for appeals under PMLA), though under a common Chairman, and the Member appointed separately under the SAFEMA/NDPS and PMLA, now there is one Appellate Tribunal under SAFEMA and Chairman/Members appointed under SAFEMA who are competent to hear appeals in respect of orders passed under all the three Acts namely, SAFEMA, NDPS and PMLA.

3. Subsequently, the matters under the Benami Act. Subsequently as per notification under the Benami Act are also to be heard by this Tribunal. As per the provisions of Part XIV of Chapter VI of the Finance Act 2017, the Appellate Tribunal for Foreign Exchange (ATFE) has been merged with the Appellate Tribunal under the Smugglers & Foreign Exchange Manipulators (Forfeiture of Properties) Act 1976, w. e. f. 26.05.2017. The files in the above said matters have been received by this Tribunal on 1<sup>st</sup> July, 2017.

4. In view of the powers vested with the Hon'ble Chairman under Section 12(6) and 12 (6-A) of SAFEMA, 1976 as amended, the Bench could be re-constituted and/or single Member/Two Member Benches constituted by the Hon'ble Chairman as and when considered necessary.

5. At present this tribunal has got two court- Court No. 1 and Court No. 2 The following roster will operative w.e.f. from 4<sup>th</sup> December, 2017 till further changes as made in the Benches.

6. (The appeals filed from 1<sup>st</sup> January, 2014 onwards) under NDPS, PMLA, 2002 and appeals under Benami Transactions Act (to be listed in due course of Forfeited Property) and the appeals pending under the FEMA Act shall be listed and heard by the Benches in the following manner: -

(i) Every Monday and Tuesday the bench would comprising of Chairman and Shri Anand Kishore (Member)

(ii) Every Wednesday and Thursday, the Bench would comprising of the Chairman and G.C. Mishra (Member-law).

(iii) All Fridays the Bench would comprising of the Chairman and Ms. Ananya Ray (Member).

(iv) All the part heard matter would be heard by the respective Benches.

7. All matters pending before this tribunal under SAFEMA and (also new matter if any, filed) would be listed and heard by Ms. Ananya Ray (Member) from 04.12.2017 on the respective dates already fixed in Court No. 2.

8. All FEMA appeals pending prior upto the year 2010 in which the total amount of penalty imposed is upto Rs. 40 Lac would be listed and heard by Ms. Ananya Ray (Member) on the respective dates already fixed in Court No. 2 as well as new matters filed and duly marked by the Chairman.

9. All FEMA appeals filed from the period 01.01.2011 shall be taken up by the Chairman where the penalty amount is upto Rs. 40 Lac in Court No. 1 on the respective dates already fixed as well as new matter.

10. It has been noticed that more than 300 old appeals are pending for the last more than four years which are to be decided at an early date as per the scheme of the Act. Therefore old appeals filed under the provision of PML Act, 2002 which are pending upto the period of 31<sup>st</sup> December, 2013 shall be list before Chairman who will take up these appeals immediately after the matters of normal two member bench are over. Counsel are requested not to seeks adjournment(s) in old appeals and also requested to file the written-argument and compilation of documents to be relied upon during hearing of appeal which are part of the record of Adjudicating Authority (if already not filed).

11. All new matters PMLA, NDPS, FERA and FEMA will be distributed amongst the two members (i.e. Chairman and a Member) benches between Monday to Friday after marking by the Chairman.

12. The Roaster would be operative w.e.f. 4<sup>th</sup> December, 2017 till further orders of the Chairman in order to expeditious disposal of appeals as per section 12(6A) of the SAFEMA.

13. The Registrar is requested to notify the same accordingly.

(Justice Manmohan Singh)  
Chairman