

Prevention of Money-laundering (Appeal) Rules, 2005

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Prevention of Money-laundering (Appeal) Rules, 2005

In exercise of the powers conferred by sub-section (1) read with 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 2002), the Central Government hereby makes the following rules for the purpose of appeals under the said act, namely

1. Short title and commencement :-

These rules may be called the Prevention of Money-laundering (Appeal) Rules, 2005.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

(1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Prevention of Money-laundering Act, 2002 (15 of 2003),

(b) "Adjudicating Authority" means an Adjudicating Authority appointed under subsection (1) of Section 6 of the Act;

(c) "Appellate Tribunal" means the Appellate Tribunal established under Section 25 of the Act;

(d) "Appellant" means an aggrieved person who prefers an appeal before the Appellate Tribunal;

(e) "Director" means the Director appointed under sub-section (1) of Section 49 of the Act;

(f) "Form" means the form appended to these rules ;

(g) "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;

(h) "Registrar" means the Registrar of the Appellate Tribunal;

(1) "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 :-

(1) 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.

TABLE.

SI. No.	Amount of fine imposed	Amount of fee payable
1.	Where the	Rs.

	amount of fine imposed under subsection (2) of Section 13 of the Act is Rs. 10,000	1000
2.	Where the amount of fine imposed under subsection (2)	Rs. 2500

of Section
13 of the
Act is more
than Rs.
10,000 and
up to Rs.
50,000

3. Where the
amount of
fine
imposed
under sub-
section (2)
of Section
13 of the
Act is more

Rs.
5000

	<p>than Rs. 50,000 and up to Rs. 1 lakh</p>	
<p>Appeal against attachment of any property or retention of the seized property or record</p>		
<p>4.</p>	<p>Where appeal is against the orders made by the</p>	<p>Rs. 10,000</p>

**Adjudicating
Authority
under sub-
section (3)
or
subsection
(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 has 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 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 or residence or his last known place or 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 gain and that written report thereof should be witnessed by two person; 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 :-

If 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.