

(2022) 01 DEL CK 0178

In the Delhi High Court

Case No : Civil Writ Petition No. 10682 Of 2021

Sanjay Soni

APPELLANT

Vs

Union Of India And Anr

RESPONDENT

Date of Decision : 24-01-2022

Acts Referred:

Citation : (2022) 01 DEL CK 0178

Hon'ble Judges : V. Kameswar Rao, J

Bench : Single Bench

Advocate : Saurabh Kirpal, Srijan Sinha, Parul Dhurvey, Naveen Soni, Anil Soni, Atin Puniyani, Arun Agarwal

Final Decision : Disposed Of

Judgement

S. No.,Dates,Countries,Travelling purpose,Documents in support

1.,"15.01.2022 to

24.01.2022",U.S.A,"A(cid:30)end S.H.O.T Show

(largest defence

exhibition)","Invite dated 11.10.2021

addressed by Elbit Systems to

the Applicant to a(cid:30)end S.H.O.T

Show and Air tickets.

2.,"29.01.2022 to

13.02.2022",Russia,"Mee(cid:49)ngs with M/s

Rosboronexport (a

Russian Defence Export)","Letter dated 10.01.2022 issued by

Globalconsult LLC and Air tickets.

3., "20.02.2022 to

27.02.2022", "Malawi,

Africa", "Mee(cid:49)ngs with the

Commander of the

Malawi Defence Forces.", "Letter dated 10.01.2022 issued by

Director, Trident Global Ltd.,

Lilongwe Malawi and Air Tickets.

13. Having considered the rival submissions made by the counsel for the parties, there is no dispute that a similar application was considered by this",,,,,

Court in CM No.32943/2021 and on November 18, 2021, this Court had passed a detailed order. The same is reads as under: -",,,,,

â??CM APPL. 32943/2021,,,,,

1. This is an application filed by the petitioner seeking suspension of the impugned Look Out Circular (LOC) issued by the respondent no.1,,,,

at the request of respondent no.2/Bank of Baroda, during the pendency of the present writ petition in order to enable the petitioner, who is",,,,,

aÂ Director in ""Si2 Microsystems Private Limited"" (which is engaged in developing and producing Space and Defence Hardware for ISRO,",,,,,

the Indian Army, Indian Air Force, as well as international clients in USA, Russia, Singapore, Israel etc.) to travel to Moscow in order to",,,,,

meet with the officials of the Russian Government.,,,,,

2. A reply to the application has been filed by the respondent no.2, vehemently opposing the relief sought for by the petitioner. It has been",,,,,

contended therein, that while the petitioner claims that it is necessary for him to travel abroad for the purpose of entering into various",,,,,

international contracts, he has not been appearing in the recovery proceedings before the Debt Recovery Tribunal (DRT), Mumbai in O.A.",,,,,

No. 11/2017, despite being declared a willful defaulter as way back as on 21.12.2018.",,,,,

3. In response, learned senior counsel for the petitioner, at the outset, submits that the petitioner never had any intent of not appearing",,,,,

before the DRT and was, in fact, proceeded ex-parte in the aforesaid proceedings. He further submits that the petitioner has already",,,,,

preferred an application for restoration of the proceedings before the DRT, Mumbai, which is stated to be pending adjudication. He further",,,,

draws my attention to the communication dated 10.11.2021 received by the petitioner from one M/s. Globalconsult LLC, Moscow, Russia in",,,,

support of his plea that the petitioner is required to travel to Russia on 20.11.2021 in order to attend a meeting with the Board of Directors,,,,,

of the aforesaid company, scheduled to be held on 22.11.2021 for signing agreements pertaining to the procurement of conductivity",,,,

materials/bionic chips manufactured by the petitioner's company.,,,,

4. Having considered the submissions of learned counsel for the parties and perused the record, what emerges is that till date, no FIR has",,,,

been registered against the petitioner. It is also pertinent to note that the petitioner's company has various international clients in multiple,,,,,

countries and is heavily reliant on overseas supply of its products and services. It is also evident that by way of the present application, the",,,,

petitioner is seeking to travel to Moscow, Russia only for purposes of entering into agreements pertaining to procurement of the company's",,,,

products, which is substantiated by a communication received from M/s. Globalconsult LLC on 10.11.2021. I am, therefore, of the view that",,,,

the petitioner is entitled to travel abroad for a period of four weeks. The application is, accordingly, allowed by directing that the impugned",,,,

LOC against the petitioner shall be suspended during the pendency of the present petition. The same will, however, be subject to the",,,,

following conditions:-,,,,

i. The petitioner shall furnish a security of a sum of Rs.5 crores to the satisfaction of the Registrar General of this Court. The said security,,,,,

may be furnished in the form of an FDR; a Bank guarantee; or unencumbered immovable property of the same value belonging to the,,,,,

petitioner or any of his relative(s), who will also furnish an undertaking to the Registrar General of this Court that he/she/they will not",,,,

create any third party right or interest in such property/properties during the period the petitioner is travelling abroad.,,,,

ii. The copies of the documents which the petitioner will file with the Registrar General, shall also be furnished to all the respondents.",,,,

iii. The petitioner will also furnish to the respondents a copy of the air tickets he

has purchased for his travel, along with the complete",,,,,

itinerary of his stay in Moscow, Russia.",,,,

iv. The petitioner will also provide a phone number which would be used by him during his stay abroad, which number will be kept",,,,,

operational at all times.,,,,,

v. The petitioner will return to the country within four weeks of his departure.,,,,,

5. The application stands disposed of in the aforesaid terms.,,,,,

6. It is, however, made clear that in case the petitioner seeks to travel abroad in future, it will be open for him to move an appropriate",,,,,

application before this Court, which will be considered in accordance with law.",,,,,

7. All concerned authorities shall act in compliance with the digitally signed copy of this order, duly uploaded on the official website of the",,,,,

Delhi High Court, www.delhihighcourt.nic.in, which shall be treated as the certified copy of the order for the purpose of ensuring",,,,,

compliance. No physical copy of orders shall be insisted by any authority/entity or litigant.â??",,,,,

14. A perusal of the order above would show that a similar stand was taken by respondent No.2 Bank before this Court in the said application. This,,,,

Court allowed the visit of the petitioner / applicant to Moscow, Russia by imposing conditions in paragraph 4 of the order which I have also reproduced",,,,,

above.,,,,,

15. It is also acknowledged by Mr. Agarwal that no FIR has been filed against the petitioner for any offence. That apart, the petitioner has complied",,,,,

with all the conditions that were set by the Court. He through his relative Shri Vijay Gupta (Mama Ji) has given security in the form of an immovable,,,,

property being B-4/138, Safdarjung Enclave, New Delhi-110029 which as per the valuation report is more than ₹5 crores, as can be seen from the",,,,,

order dated December 21, 2021, of the learned Joint Registrar (Judicial).",,,,,

16. It is not the case of respondent No.2 that the petitioner has not complied with the conditions as set down by the Court in the order dated,,,,

November 18, 2021. The submission of Mr. Kirpal that the petitioner has returned within six days is also not disputed by Mr. Agarwal.",,,,,

17. As noted by the Court, the petitioner's company has various international clients in multiple countries and is heavily reliant on overseas supply",,,,,

for its products and services.,,,,

18. In view of the submissions made by Mr. Kirpal, the petitioner intends to travel to Russia and Malawi, for the purposes as noted above i.e., meeting",,,,

with M/s. Rosboronexport and Commander of the Malawian Defence Force. I am, therefore, of the view that the petitioner having been earlier",,,,

allowed to travel abroad for a period of four weeks, this application also needs to be allowed, directing that the impugned LOC shall remain suspended",,,,

for a period of three weeks (from the date of departure) to enable the petitioner travel to Moscow, Russia and Malawi. However, the same shall be",,,,

subject to the following conditions:,,,,

i. The petitioner / applicant shall furnish security of a sum of ₹5 crores to the satisfaction of the Registrar General of this Court in the form of FDR; a,,,,

Bank Guarantee; or unencumbered immovable property of the same value belonging to the petitioner or any of his relative(s) who will also furnish an,,,,

undertaking to the Registrar General of this Court that he / she / they will not create any third party right(s) or interest(s) in such property / properties,,,,

during the period the petitioner is travelling abroad.,,,,

ii. If the security already furnished, pursuant to the order dated November 18, 2021, has not been released to Shri Vijay Gupta, if he agrees, the same",,,,

shall be considered, subject to a fresh valuation report is called for from the concerned authority and also following the same procedure as followed",,,,

including calling for an undertaking from Shri Vijay Gupta.,,,,

iii. Copies of all the documents which the petitioner will file with the Registrar General shall also be furnished to all the respondents.,,,,

iv. The petitioner shall also furnish to the respondents a copy of the air tickets, he has purchased for his travel along with the complete itinerary of his",,,,

stay in Moscow, Russia and Malawi." ,,,,

v. The petitioner shall also provide the phone number which will be used by him during his stay abroad, which number shall be kept operational at all",,,,

times.,,,,

vi. The petitioner will return to the country within a period of three weeks of his departure.,,,,

19. The application is disposed of, in the aforesaid terms." ,,,,

20. All concerned authorities shall act in compliance with the digitally signed

copy of this order, duly uploaded on the official website of the Delhi High",,,,
Court, www.delhihighcourt.nic.in, which shall be treated as the certified copy of
the order for the purpose of ensuring compliance. No physical copy",,,,
of orders shall be insisted by any authority/entity or litigant.,,,,