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

+ W.P.(C) 7207/2024

SHRI DEEPAK SINGHAL

..... Petitioner

Through: Mr. Ravi Sikri, Sr. Advocate with Mr.
Deepank Yadav, Advocate.

versus

UNION OF INDIA THROUGH MINISTRY OF HOME AFFAIRS &
ORS. Respondents

Through: Mr. Anurag Ahluwalia, CGSC with
Mr. Abhigyan Siddhant, GP for R-1,
3 & 5.

+ W.P.(C) 7239/2024

SHRI BABU RAM

..... Petitioner

Through: Mr. Ravi Sikri, Sr. Advocate with Mr.
Deepank Yadav, Advocate.

versus

UNION OF INDIA THROUGH MINISTRY OF HOME AFFAIRS
UNION OF INDIA & ORS. Respondents

Through: Mr. Ishkaran Singh Bhandari, CGSC
with Mr. Rishesh Mani Tripath, GP
and Mr. Milan Deep Singh, Mr.
Sahasradeep Sharma, Advocates for
R-1 and 2.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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29.05.2024

CM APPL. 30977/2024 in W.P.(C)-7207/2024

CM APPL. 31147/2024 in W.P.(C)-7239/2024

1. These applications have been filed by the Petitioners seeking permission to travel to Turkey from 05.06.2024 to 25.06.2024.

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2. It is stated that Look Out Circulars have been opened against the Petitioners at the instance of the Bank of Baroda. It is stated that the Petitioners stood guarantee for the loan availed by M/s Mahesh Timber Private Limited from a consortium of Banks, including the Bank of Baroda. It is stated that Petitioners are neither the Directors nor shareholders of M/s Mahesh Timber Private Limited. It is further stated that for instances of misuse of funds by M/s Mahesh Timber Private Limited, an Original Application, being OA No.1465 of 2016 was filed by the Bank of Baroda before the DRT-I and a case was registered by the CBI against the Promoters of M/s Mahesh Timber Private Limited. It is stated that the Petitioners are the relatives of Mr. Ashok Kumar Mittal, who is one of the promoters of M/s Mahesh Timber Private Limited. It is further stated that the Petitioner in W.P.(C) 7207/2024 filed W.P.(C) 2447/2023 for quashing of the LOC and further seeking permission to travel to Singapore in March, 2023. In the said matter, this Court had called for an affidavit from the Bank of Baroda. This Court, in W.P.(C) 2447/2023 had noted that the Petitioner has not been arrayed as an accused in the CBI case or the Original Application No.1465 of 2016 filed by the Bank of Baroda before the DRT-I. This Court had also noted that no proceedings are pending against the Petitioner and the Petitioner is merely a guarantor. In the said Petition, the Petitioner in W.P.(C) 7207/2024 had undertaken to offer a commercial shop (except third floor with roof rights) bearing No.D-23, Out of Khasra No.470/23/67, situated in the Abadi of D-Type Market, Pandav Nagar, Village Gharonda, Neem Ka Bangar, Patparganj, Illaqa- Shahdara, Delhi – 110092, which is owned by Mr. Pramod Kumar, as a security for his travel.

3. In view of the above, this Court *vide* Order dated 15.03.2023 in



W.P.(C) 2447/2023, granted permission to the Petitioner in W.P.(C) 7207/2024 to travel to Singapore from 18.03.2023 to 28.03.2023 on the following conditions:

“(i) Owner of the commercial shop i.e. Mr. Pramod Kumar shall furnish his undertaking that the said property is free from all encumbrances and the same shall not be transferred or alienated till further orders of this Court. An affidavit to this effect shall be filed to the satisfaction of the Registrar General of this Court. Personal appearance of Mr. Pramod Kumar may be directed, if required for accepting the undertaking.

(ii) No third party interest shall be created in the said property until the security is released.

(iii) That Petitioner shall furnish a detailed affidavit disclosing his detailed itinerary, including his stay at various stations abroad, telephone numbers and residential/hotel addresses. The Petitioner shall also file an undertaking that he shall adhere to the itinerary mentioned in the affidavit and not visit any other stations.

(iv) The Petitioner shall also provide the contact numbers he will use during the period he stays abroad, and at least one of the said contact numbers will be kept operational at all times, subject to all exceptions, including the period he is on board the aircraft.

(v) That he shall intimate the Bank of Baroda before leaving and within 72 hours of his return from abroad.

(vi) That Petitioner shall file a self-attested copy of his passport along with a copy of his visa in the Court on his return to India.

(vii) The permission to travel abroad given in this



order shall be subject to other applicable conditions and will not be deemed as a direction to any other authority.

(viii) In case any of the above conditions are violated, the security shall be liable to be forfeited.”

4. When the matter was listed before the Registrar, it was found that the title of the Commercial shop which was claimed to be owned by one Mr. Pramod Kumar and which was sought to be furnished by the Petitioner in W.P.(C) 7207/2024 as a security for his travel abroad, was encumbered. When confronted with this fact, learned Counsel for the Petitioner in W.P.(C) 7207/2024 withdrew W.P.(C) 2447/2023 on 17.03.2023.

5. Today, it is stated by the learned Counsel for the Petitioners that the Petitioner in W.P.(C) 7207/2024 is prepared to give Plot No.F-227-A (First Floor without roof rights), Mangal Bazar Road, Laxmi Nagar, Out of Khasra No.59/3 situated in the area of Village Khureji Khas, Illaqa Shahdara, Delhi-110092 (*‘hereinafter referred to as Property No.1’*) having a fair market value of Rs.1,53,96,000/- as per valuation report dated 08.05.2024 and Flat No.806 (8th Floor), Wish Town Klassic Tower -B-3, situated at Sector-134, Jaypee Greens Wish Town, Noida, Distt. Gautam Budh Nagar (UP) – 201304 (*‘hereinafter referred to as Property No.2’*), having fair market value of Rs.2,11,99,000/- as per valuation report dated 07.05.2024, as security for his travel and Petitioner in W.P.(C) 7239/2024 is prepared to give Flat No. D-504 (5th Floor), Vidisha CGHS Ltd. Known as Vidisha Apartments, Plot No. 79, 1.P. Extension, New Delhi-110092, (*‘hereinafter referred to as Property No.3’*) having fair market value of Rs.1,53,00,000/- as per valuation report dated 07.05.2024 along with a an FDR for the sum of



Rs. 50 lakhs as security for his travel.

6. In view of the fact that Petitioners have not been arrayed as accused in the CBI case and the Original Application No.1465 of 2016 filed by the Bank of Baroda before the DRT-I and that no proceedings are pending against the Petitioners, who are merely guarantors, and in view of the Judgment dated 23.04.2024, passed by the Division Bench of the High Court of Bombay in Viraj Chetan Shah v. Union of India & Anr., **W.P.(C)719/2020** quashing Clause 8(b)(xv) of the Office Memorandum dated 27.10.2010 bearing O.M. 23016/31/2010-Imm. equivalent to Clause 6(B)(xv) of the O.M. dated 22.02.2021 bearing O.M. 25016/10/2017-Imm.(Pt.) whereby the Chairman/Managing Director/Chief Executives of all Public Sector Banks could request for opening of an LOC, this Court is inclined to grant permission to the Petitioners to travel to Turkey from 05.06.2024 to 25.06.2024 on the following conditions:

- a. The Owners of the Properties No.1, 2 & 3 mentioned above shall furnish undertakings that the said properties are free from all encumbrances and that the same shall not be transferred or alienated till further orders of this Court. An affidavit to this effect shall be filed to the satisfaction of the Registrar of this Court. Personal appearance of the Owners of Properties No.1, 2 & 3 mentioned above may be directed, if required for accepting the undertaking.
- b. The documents relating to the valuation report and title deeds in favour of the respective owners of Properties No.1, 2 & 3 mentioned above, be deposited with the Registrar of this Court.
- c. No third party interest shall be created in the said



properties until the security is released.

- d. The Petitioner in W.P.(C) 7239/2024 shall also furnish security in the form of an FDR for the sum of Rs.50 lakh to the satisfaction of the learned Registrar of this Court.
- e. Petitioners shall furnish a detailed affidavit disclosing their detailed itinerary, including their stay at various stations abroad, telephone numbers and residential/hotel addresses. The Petitioners shall also file undertakings that they shall adhere to the itinerary mentioned in the affidavit and not visit any other stations.
- f. The Petitioners shall also provide the contact numbers they will use during the period of their stays abroad, and at least one of the said contact numbers will be kept operational at all times, subject to all exceptions, including the period they are on board the aircraft.
- g. The Petitioners shall intimate the Bank of Baroda before leaving and within 72 hours of their return from abroad.
- h. Petitioners shall file self-attested copies of their passport along with copies of their visa in the Court on their return to India.
- i. The permission to travel abroad given in this order shall be subject to other applicable conditions and will not be deemed as a direction to any other authority.
- j. In case any of the above conditions are violated, the security shall be liable to be forfeited.”



7. List before the Registrar on 31.05.2024.
8. The applications are disposed of.

SUBRAMONIUM PRASAD, J

MAY 29, 2024

Rahul