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

+ **CRL.M.C. 4644/2024**

SURINDER KAUR SETHI

..... Petitioner

Through: Mr. Rudra Pratap, Mr. Tushar
Randhawa, Ms. Mrinalini Sharma &
Mr. Rahul Sharma, Advocates.

versus

**THE SPECIAL DIRECTOR, ENFORCEMENT OF
DIRECTORATE**

..... Respondent

Through: Mr. Ravi Prakash, CGSC with Mr.
Ali Khan, Advocate.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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30.05.2024

CRL.M.A. 17411/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 4644/2024

1. The present petition has been filed under Section 35 of the Foreign Exchange Management Act, 1999 ('*FEMA*') by the petitioner against the order dated 02.04.2024 passed in FPA-FE-05/DLI/2022 by the learned Appellate Tribunal under SAFEMA ('*learned Appellate Tribunal*').
2. Learned counsel appearing on behalf of the petitioner has invited this Court's attention to the impugned order dated 02.04.2024, passed by the learned Appellate Tribunal whereby, while disposing off the application for waiver of pre-deposit of penalty the learned Appellate Tribunal directed the petitioner herein to submit the Original Sale Deed of the property bearing No. J3/91, 1st Floor, Rajouri Garden, New Delhi – 110027 as security with



the respondent i.e. the Directorate of Enforcement. It is further submitted that the learned Appellate Tribunal vide the impugned order dated 02.04.2024 had given six week's time to the petitioner herein for depositing the title deed. In this regard, it is submitted that the petitioner herein is a resident of Kuwait and is 80-years of age, therefore is unable to travel to India and that the learned Appellate Tribunal has failed to appreciate that in a similar case arising out of similar transaction, application of waiver had been allowed by this Court *vide* order dated 24.02.004 in ***Bank of Baroda v. Appellate Tribunal for Foreign Exchange***, 2005 SCC OnLine Del 231

3. Issue notice, Special Counsel appearing on behalf of the Directorate of Enforcement accepts notice.
4. After hearing arguments addressed by the learned counsel for the petitioner this Court grants time to the petitioner herein, till 15.07.2024 to comply with the order dated 02.04.2024, unless this Court reaches a different decision than the learned Appellate Tribunal, after hearing arguments on behalf of both the parties.
5. In the meantime, the Directorate of Enforcement will file reply within 2 weeks and rejoinder thereafter, be filed within 2 weeks with advance copies to the other side.
6. List on 08.07.2024.
7. The order be uploaded on the website forthwith.

MAY 30, 2024/at

SWARANA KANTA SHARMA, J

[Click here to check corrigendum, if any](#)