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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2199/2021**

P.S. GAHLAUT

.....Petitioner

Through: Mr. Sudhir Nandrajog, Sr. Advocate
with Mr. Alok Kumar, Ms. Somya
Vadava, Mr. Kunal Arora, Mr.
Divyansh Soni and Mr. Sukrit Seth,
Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC
with Mr. Kushagra Kumar and Mr.
Abhinav Bhardwaj, Advocates for
UOI.
Mr. Atul Guleria, SPP for CBI with
Mr. Aryan Rakesh and Mr. Pankaj
Kumar, Advocates.

AND

+ **W.P.(CRL) 2200/2021**
DR. U. S. AWASTHI

.....Petitioner

Through: Mr. Dayan Krishnan, Sr. Advocate
with Mr. Alok Kumar, Ms. Somya
Yadava, Mr. Kunal Arora, Mr.
Divyansh Soni, Mr. Uday Pratap
Singh, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC
with Mr. Kushagra Kumar and Mr.
Abhinav Bhardwaj, Advocates for
UOI.



Mr. Atul Guleria, SPP for CBI with
Mr. Aryan Rakesh and Mr. Pankaj
Kumar, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
10.12.2024

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CRL.M.A. 37218/2024 in W.P.(CRL) 2199/2021
CRL.M.A. 37217/2024 in W.P.(CRL) 2200/2021

1. By way of present applications, the applicants/petitioners seek early hearing of Crl. M.A. 35775/2024 and Crl. M.A. 35772/2024.
2. Issue notice.
3. Learned counsels for the respondents, while accepting the notice, fairly submit that they have no objection to the prayer made.
4. Keeping in view the urgency shown and the no objection given on behalf of the respondents, the application is allowed and with the consent of the parties the aforementioned applications are taken up for consideration today itself. Date fixed in the matter i.e. 13.12.2024 stands cancelled.
5. Accordingly, both the above-noted applications are disposed of.

Crl. M.A. 35775/2024 in W.P.(CRL) 2199/2021
Crl. M.A. 35772/2024 in W.P.(CRL) 2200/2021

1. By way of present applications, the petitioners/P.S. Gahlaut and Dr. U.S. Awasthi seek permission to travel Amman, Jordan from 15.12.2024 to 20.12.2024 as well as suspension of Look Out Circular and Blue Notice issued vide impugned R.C. No. 221/2021/E0009 and ECIR No. DLZP-I/43/2021.



2. Ld. Senior Counsel for the petitioners submits that the petitioners/P.S. Gahlaut and Dr. U.S. Awasthi are the Managing Directors of *M/s Indian Potash Limited (IPL)* and *M/s. Indian Farmers Fertilizer Cooperative Ltd. (IFFCO)* respectively. It is stated that both petitioners are also members of the Board of Directors of *Jordan Phosphate Mines Company (JPMC)*, Jordan. It further stated that the petitioners have to travel on the aforesaid dates to attend a board meeting and in this regard have drawn attention of the Court to the Reference Letter dated 10.11.2024 issued by Dr. *Mohammad K. Thneibat*, Chairman of the Board inviting the present petitioners for the aforesaid purpose, a copy of which has been placed on record. Learned Senior Counsels have further drawn attention of the Court to the order dated 04.03.2022 passed by this Court, the relevant extracts of which are reproduced hereinunder:-

“3. It is informed that IPL is a Company in the private sector in which the Government of India has no equity and IFFCO is a multi-state cooperative society. While IPL is stated to be the largest importer and distributor of Potash, DAP/Complex fertilisers in India, IFFCO is stated to be the largest manufacturer/importer of fertilizers. Learned Senior Counsels have submitted that since Jordan is one of the largest suppliers of Phosphate and Potash, which are crucial raw materials for the manufacturing of fertilizers, and given that JPMC also produces and sells DAP fertilizer, the petitioners are required to attend the aforementioned meeting at Amman, Jordan. Reference has been made to the affidavit filed on behalf of respondent No.1/Union of India through Department of Fertilizer to indicate the purpose of the petitioners' visit at Jordan.

4. Learned Senior Counsels have further submitted that the allegations in the present RC, which is dated 17.05.2021, relate to the years 2007-14. After registration of the RC, ECIR No.



DLZP-I/43/2021 was registered against the petitioners on 20.05.2021 by respondent No.3/ED. At the request of respondent Nos.2 and 3, LOC was opened against the petitioners by respondent No.4/Bureau of Immigration.

Learned Senior Counsels have contended that respondent No.2/CBI could not have registered the present RC against the petitioners' company/society, i.e., IPL and IFFCO, which are neither aided/financed by the Government nor have any Government equity or grant or loan. They have submitted that on a challenge made against the said RC in W.P.(CRL.) 1051/2021 and W.P.(CRL.) 1052/2021 to the effect that respondent No.2/CBI could not have registered a case under Section 120B read with Section 420 IPC and Sections 13(2) read with Section 13(1)(d) of the PC Act against private individuals/entities, this Court, vide order dated 31.05.2021, has directed that no coercive steps be taken against the petitioners, which order is continuing till date. It has been averred that ever since, the petitioners have not only joined the investigation but also cooperated in the same. It is also stated that the petitioners are regular Income-Tax payees having deep roots in the society.

5. Learned Senior Counsels have drawn attention to the petitioners' respective affidavits placed on record, wherein both the petitioners have provided their itinerary details, including details of the hotel where they would be staying during their visit at Amman, Jordan. It has been stated that there being no direct flight from Delhi to Jordan, the petitioners, if permitted, shall first travel to Dubai on 05.03.2022 at 04:15 pm through Emirates Airlines Flight No. EK 517, whereafter they shall take connecting flight No. EK 905 on 05.03.2022 at 10:15 pm for Jordan.

A perusal of the affidavits would show that the petitioners have undertaken to not exit immigration at Dubai International Airport, in case they are permitted to travel to Jordan via Dubai. It is further stated that the petitioners would be staying at Hotel Four Seasons, Amman, Al-Kindi Street, 5th Circle,



Jabal, Amman, Jordan during the period of their visit.”

3. Lastly, it is submitted that applicants have travelled approximately 19 times in the past and have never misused the concession.

4. On the other hand, learned counsels appearing for the respondents have opposed the applications. It is submitted that the applicants are accused in a case of subsidy fraud which has resulted in huge losses to the aforesaid entities and undue pecuniary gain to them. It is further submitted that investigation is still pending. Learned counsel however, on instructions, submit that travel details, as provided by the petitioners, stand verified from the concerned travel agent.

5. I have heard the learned Counsels for the parties and also perused the entire material placed on record.

6. Considering that the applicants have travelled aboard approximately 19 times on earlier occasions, a concession which has not been stated to be misused and also keeping in view the import of the orders dated 04.03.2022 as well as 07.10.2024, both the petitioners are permitted to travel to Amman, Jordan from 15.12.2024 to 20.12.2024 and return to India on 21.12.2024, subject to the following conditions :

- (i) Petitioners shall furnish a fixed deposit (FD) of Rs.50,00,000/- each with two sureties each in the like amount, one of which shall be IFFCO to the satisfaction of the Registrar concerned of this Court.
- (ii) Petitioners shall travel as per itinerary provided by them and shall also share their mobile numbers at the time of furnishing sureties.
- (iii) On return, the petitioners shall provide a copy of their passport to the respondents for information.



7. At this stage, Mr. Krishnan, Id. Senior Counsel appearing for the petitioner/Dr. U.S. Awasthi submits that an FDR for a sum of Rs.50 lacs already stands deposited with the Registrar General of this Court. He thus, prays that verification of same sureties be done away with in terms of earlier order dated 13.08.2024, though the sureties shall appear before the concerned Joint Registrar for the purpose of furnishing fresh bonds. The prayer made by the learned Senior Counsel for the petitioner/Dr. U.S. Awasthi is allowed to the aforesaid extent and shall be accordingly considered by the concerned Joint Registrar.

8. Respondents shall also convey to the concerned authorities, with regard to the permission granted by this Court to the petitioners to travel to the aforementioned country, to ensure that the visit of the petitioners are not obstructed due to Blue Notice, if any issued.

9. Accordingly, both the applications are disposed of in the above terms.

10. List the matter before Joint Registrar on 11.12.2024 for the aforesaid purpose.

DASTI

W.P.(CRL) 2199/2021

W.P.(CRL) 2200/2021

Renotify on 14.02.2025.

MANOJ KUMAR OHRI, J

DECEMBER 10, 2024

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