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

+ W.P.(CRL) 2199/2021, CRL.M.A. 9971/2023, CRL.M.A. 16457/2023, CRL.M.A. 10800/2024
P.S. GAHLAUT Petitioner

Through: Mr. Alok Kumar, Ms. Deepti Bhardwaj, Mr. Kunal Arora, Mr. Jivtesh Singh Sandhu, Advs.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. D. P.. Singh, SPP with Mr. Manu Mishra, Ms. Shreya Dutt, Mr. Imaan Khera, Advs.
Mr. Zoheb Hossain, Mr. Vivek Gurnani, Mr. Kartik Sabharwal, Ms. Radhika Puri, Advs. for ED.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **15.04.2024**

CRL.M.A. 10800/2024

1. The present application has been filed by the petitioner seeking suspension of the Look Out Circular issued by respondent Nos. 2 to 4 and further praying that the petitioner be allowed to travel to attend 71st and 72nd Board Meeting of Jordan India Fertilizer Company L.L.C ("JIFCO") and Board Meeting, Ordinary General Assembly meeting and Governance Committee of Jordan Phosphate Mines Company ("JPMC"), in Amman, Jordan from 26.04.2024 to 01.05.2024. Moreover, the Petitioner is also seeking permission to



attend the International Fertilizer Association Annual Conference (“IFA”) on ‘Nourishing The Plant, Powering the Future’ scheduled to be held from 20.05.2024 to 22.05.2024.

2. The premise on which the permission to travel has been sought by the petitioner is that he has to attend the following official meetings in his capacity as Managing Director of Indian Potash Limited (‘IPL’) a company incorporated under the Companies Act, 1956; as a Member of the Board of Director of JPMC, JIFCO and OMIFCO:

- i.) 71st Board Meeting of Jordan India Fertilizer Company L.L.C (“JIFCO”) which is scheduled to be held on 27th April, 2024 at 11:30 AM at the JIFCO Office located at 98 Wasif Al-Tal Street, Amman, Jordan.
- ii.) 72nd Board Meeting of JIFCO which is scheduled to be held on 27th April, 2024 at 03:30 PM at the JIFCO Office located at 98 Wasif Al-Tal Street, Amman, Jordan
- iii.) Board Meeting of Jordan Phosphate Mines Company (“JPMC”) scheduled to be held on 28th April, 2024 at 11:00 AM at the JPMC office located at 11118, Amman, Jordan, PO Box No. 30.
- iv.) Ordinary General Assembly meeting of JPMC Shareholders scheduled to be held on 29th April, 2024 at the JPMC Office located at 11118, Amman, Jordan, PO Box No. 30.
- v.) Governance Committee Meeting of JPMC scheduled to be held on 30th April, 2024 at the JPMC Office located at 11118, Amman, Jordan, PO Box No. 30.



vi.) The International Fertilizer Association Annual Conference ('IFA') on 'Nourishing The Plant, Powering the Future' scheduled to be held from 20th May, 2024 to 22nd May 2024 at the Rtiz-Carlton Millenia Singapore.

3. The learned counsel for the applicant/petitioner submits that on earlier occasions also, the applicant has been granted permission to travel to Amman, Riyadh, Prague, Bangkok on 09 previous occasions, vide orders dated 04.03.2022, 16.08.2022, 31.10.2022, 03.07.2023, 28.08.2023, 19.10.2023, 11.12.2023, 19.02.2024. He further submits that the Applicant has been joining the investigation as and when required by the investigating agency.
4. The complete itinerary of the applicant/petitioner for his visits to Amman, Jordan, and Singapore has been given in para 11 and 12 of the application which reads as under:-

For travel to Amman, Jordan & Back to Delhi

Date	From – To	Flight no.
26.04.2024	Delhi to Doha 10:35 hrs – 12:10 hrs	QR571
26.04.2024	Doha-Amman 13.55 hrs – 16.50 hrs Or 16:05 hrs – 18:55 hrs	QR6112 Or QR400
30.04.2024	Amman – Doha 20:30 hrs – 23:10 hrs	QR401
01.05.2024	Doha- Delhi	QR570



	02:20 hrs – 08:45 hrs	
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On 26.04.2024, the applicant would be travelling from Doha to Amman, Jordan by flight No. QR 6112. However, in the event of missing / cancellation of the said flight, the applicant will be traveling by next available flight.

While in Amman, Jordan the applicant/petitioner will be staying at The Ritz Carlton, 5th Circle, Al Kindi Street, Amman - 11185, Jordan.

For travel to Singapore & Back to Delhi

Date	From - to	Flight
19.05.2024	Delhi- Doha 09:00 hrs - 17:25 hrs	SQ401
22.05.2024	Doha - Delhi 16:50 hrs – 20:10 hrs.	SQ406

While in Singapore, the Applicant will be staying at the Ritz Carlton, Millenia, Singapore, 7 Raffles Avenue, Singapore 039799.

5. Learned counsel appearing on behalf of the Respondent / ED submits that he is adopting his previous reply filed vide dairy no. 719108-2023. However, a separate reply has been filed by the respondent / CBI.

6. The learned counsel appearing on behalf of the respondents have raised objection to present application in terms of their reply and express apprehension as regard the genuineness of the purpose of applicant's visits to the aforesaid country.

7. To address the apprehension of the respondents, the learned counsel for the applicant/petitioners invites the attention of the court to Annexure A-2,



A-3, A-4 & A-5 which are the invitation letters/ notices addressed to the applicant/petitioner to attend the aforementioned meetings on the dates given above.

8. It is a matter of record that similar objections were raised by the learned counsel for the respondents on earlier occasions when the applicant sought permission to visit Amman (Jordan), Riyadh (Saudi Arabia), Bangkok (Thailand) and Prague (Czech Republic) but still this court granted permission to the applicant to travel abroad in identical circumstances and suspended the LOC.

9. In view of the above, the applicant is permitted to travel to Amman (Jordan) and Singapore as per the itinerary mentioned in para 4 hereinabove subject to the following conditions:

- a) That the petitioner shall furnish a fixed deposit receipts of Rs. 50 Lakhs with two sureties in the like amount, one of which shall be by IFFCO;
- b) The petitioner shall not visit any destination other than Amman, Jordan from 26.04.2024 to 01.05.2024 and Singapore from 19.05.2024 to 22.05.2024;
- c) The petitioner shall take return flights to India as per the itinerary mentioned in para 4 above and provide the details of his departure/arrival to the concerned officials of respondent Nos. 2 and 3 in advance;
- d) On his return to India, the petitioner shall file his affidavit stating the outcome and achievements of his visit before this Court as well as before the Department of Fertilizers;
- e) The petitioner shall furnish his mobile number at the time of furnishing of surety, which he undertakes to keep operational at all times during the period of his visits;



f) Upon his return to India, the petitioner shall furnish a copy of his passport to the concerned officials of respondent Nos. 2 and 3, in pursuance of his undertaking to not travel to any place other than those mentioned in para 9(b) herein above.

10. The learned counsel appearing on behalf of applicant/petitioner submitted that FDRs worth Rs. 50 Lakhs each (valid for 2 years) which were deposited by the Applicant/Petitioner and the other two sureties have been verified by the Learned Joint Registrar. Said FDRs are still in the custody of the Registry of this Court. Accordingly, requirement for furnishing of FDRs furnished by the Petitioner and the Verification of the sureties by the Joint Registrar is being dispensed with.

11. The learned counsel appearing on behalf of applicant/petitioner submits that on one of a previous occasion when the applicant/petitioner had travelled to Jordan his passport was seized by the authorities at Jordan on the ground that there is a blue notice issued against him despite a clarification having been inserted in the one of the earlier orders dated 03.07.2023. He urges this court to issue appropriate directions so that the blue corner notice does not come in the way of petitioner's visits to the aforesaid countries.

12. Accordingly, the National Central Bureau (NCB) is directed to convey to the concerned Interpol Authorities of the aforesaid country with regard to the permission having being granted by this court to the petitioner to travel to the said countries, to ensure that the visit of the petitioner to the said countries on the dates specified hereinabove, is not obstructed by blue notice, if any issued.

13. The respondents (CBI / ED) are directed to communicate this order to the National Central Bureau (NCB). The applicant / petitioner is also at



liberty to communicate this order to the NCB.

14. The application stands dispose of.

15. Copy of this order be given *dasti* under the signatures of Court Master.

W.P.(CRL) 2199/2021

List on 06.08.2024.

DINESH KUMAR SHARMA, J

APRIL 15, 2024

Pallavi/ht