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

+ **W.P.(C) 3100/2022**

SHIVANI MODI

..... Petitioner

Through: Mr. Vivek Chib, Senior Advocate
with Mr. Anirudh Wadhwa,
Mr. Bhargav Thali, Mr. Keshar Gulati,
Mr. Debarsh Chakraborty, Ms. Unnati
Jhunjhunwala and Ms. Mansi Gupta,
Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Prashant Meharchandani, Senior
Standing Counsel, Revenue
Department.
Mr. Anurag Ahluwalia, CGSC for R-1
& 3.

CORAM:

HON'BLE MR. JUSTICE GAURANG KANTH

ORDER

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10.05.2023

The hearing has been conducted through hybrid mode (physical and virtual hearing).

CM APPL. 24128/2023

This is an application filed by the petitioner seeking permission to travel to United States of America between 14.05.2023 to 25.05.2023 and to the European Union between 10.06.2023 and 19.06.2023 for her personal and professional commitments.



Learned counsel for the petitioner submits that a Coordinate Bench of this Court in Crl. M.C. 3541/2021 had permitted the husband of the petitioner – Mr. Samir Modi to travel abroad on prior occasions. Learned counsel for the petitioner submits that the petitioner had earlier also filed similar applications, last being CM APPL. 9730/2023. Respondents No.4 and 5 replied to the said application in which it is stated as follows:

“30. Notwithstanding the aforesaid submissions, if the Hon'ble High Court is inclined to allow the Petitioner to travel abroad for the reasons stated under the interim application, it is humbly submitted that the following conditions / safeguards may be imposed on the Petitioner in the interest of revenue including but not limited to:

a. Ms. Shivani Modi shall share her travel itinerary, including details of place of stay, with the concerned Investigating Officer in advance.

b. Ms. Shivani Modi shall furnish her mobile number at the time of furnishing of her undertaking and/or surety before the concerned Joint Registrar, as stated above, which she undertakes to keep operational at all times during his visit abroad.

c. Ms. Shivani Modi shall 'drop-in-pin' on the Google Maps application to indicate her location to the concerned Investigating Officer.

d. During the period of travel, Mr. Samir Modi husband of Ms. Shivani Modi will remain in India and would not go abroad and neither would apply for such permission.

e. Ms. Shivani Modi shall furnish a surety of sum which deems fit to the satisfaction of the Hon'ble High Court for the period for which travel application has been filed in order to protect the interest of revenue with respect to demand already raised of Rs 76,51,080/- as per Assessment order passed u/s 10(3) of the Black Money Act, 2015 and expected demand of Rs. 2,39,53,240/- in respect of penalty proceedings u/s 41 and 43 of the Black Money Act, 2015. Further, proceedings under Black Money Act, 2015 are underway for the Assessment Year 2021-22 with the tune of expected income escapement of Rs 1,53,14,000/-.

f. Ms. Shivani Modi shall not travel to Singapore, Bermuda, Switzerland, British Virgin Islands, Liechtenstein, UAE, Mauritius, USA, Malta, Hong Kong, Isle of Man, Panama and Bahamas since undisclosed foreign assets of Samir Modi and Shivani Modi are located there and she may tamper with the evidences.

g. On her return to India, the application shall file a compliance affidavit, stating the outcome and achievements of her visit before the court.”



From the reply it is reflected that the respondent has objections to the petitioner travelling to United States of America.

At this stage, learned counsel for the respondent seeks time to take instructions as to whether similar parity can be granted to the petitioner to travel to United States of America as granted to the husband of the petitioner.

List on 11.05.2023.

GAURANG KANTH, J

MAY 10, 2023

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