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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
alongwith Mr. Anirudh Wadhwa,
Mr. Bhargav R. Thali, Mr. Keshav
Gulati and Mr. Shaswat Awasthi,
Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Anurag Ahluwalia, Advocate for
respondent Nos. 1 & 3.
Mr. Prashant Meharchandani,
Advocate for respondent No. 4/
Revenue.

CORAM:

HON'BLE MR. JUSTICE GAURANG KANTH

ORDER

11.05.2023

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

CM APPL. 24128/2023

1. The present application is filed by the petitioner seeking suspension of the Look-out-Circular No.1/SIC(ACK)/LOC/2021-6366 dated 06.07.2021 issued against the petitioner by respondent No. 4 and also for granting permission to the applicant to travel abroad 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.

2. Mr. Vivek Chib, learned senior counsel for the petitioner submits that

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the petitioner belongs to a reputed and prestigious business family and is Director in several companies doing business in India and abroad and is not a 'fly by night operator'.

3. Learned senior counsel for the petitioner further submits that the daughter of the petitioner, namely Ms. Vedika Modi is attending college in New York at 'The New School University' and pursuing the Bachelors and Arts (B.A. Global Studies) and is scheduled to graduate in May 2023. In order to attend her daughter's graduation ceremony, the petitioner is required to travel to United States of America from 14.05.2023 to 25.05.2023.

4. Learned senior counsel for the petitioner further submits that the Coordinate Bench of this Hon'ble Court under similar facts and circumstances has suspended the LOC operating against the petitioner's husband and drawing a parity with her husband's case the petitioner deserves suspension of LOC for travelling to United States of America for the period 14.05.2023 to 25.05.2023

5. On a court query, learned senior counsel for the petitioner on instructions from Mr. Samir Modi and the petitioner undertakes that during the period of travel of the petitioner to United States of America i.e. from 14.05.2023 to 25.05.2023, Mr. Samir Modi will not travel abroad. The petitioner further gives up her right to travel to the European Union.

6. Mr. Prashant Meharchandani, learned counsel for the respondent states that he will be adopting his reply filed in CM APPL. 9730/2023.



7. A perusal of the said reply filed by the respondent, it shows that the respondent has enumerated certain conditions/ safeguards which may be imposed upon the petitioner if the Court finds it appropriate to grant her permission to travel abroad. This Court has taken into consideration the conditions enumerated in reply to the application.

8. In view of the facts stated in the present application, this Court is inclined to grant permission to the petitioner to travel to USA from 14.05.2023 to 25.05.2023 to attend the graduation ceremony of her daughter who is stated to be studying in the USA.

9. This Court deems it appropriate to allow the petitioner to travel abroad on the following conditions:-

(i) The petitioner shall disclose her complete itinerary, details of place of her stay in USA and contact details of the petitioner in USA by filing an affidavit before this Court;

(ii) Mr. Samir Modi, husband of the petitioner shall act as a surety for the petitioner and will file an undertaking to this effect before this Court. The surety shall not leave this country while the petitioner is abroad neither would he apply for permission to travel abroad for the period 14.05.2023 to 25.05.2023;

(iii) The petitioner shall furnish her undertaking for a sum of Rs.50,00,000/- (Rupees Fifty Lacs only) to the satisfaction of the Registrar General of this Court for the period of travel;

(iv) The petitioner shall furnish her mobile number at the time of



furnishing her undertaking before the Registrar General, as stated above, and she shall undertake to keep her mobile phone operational all the time during her visit to the USA;

(v) The petitioner shall drop a pin on the Google Map application to indicate her location to the concerned Investigating Officer;

(vi) The petitioner shall file a compliance affidavit to this Court on her return to India and shall not try to influence or hamper the inquiry/ investigation in any manner;

(vii) The petitioner and Mr. Samir Modi (husband of the petitioner), are directed to file undertakings before this Court by tomorrow i.e. 12.05.2023.

10. With the above directions, the application stands disposed of.

11. A copy of the undertakings be also provided to learned counsel for the respondents.

12. List on 12.05.2023 before the Registrar General of this Court for compliance.

13. Order be given *dasti* under the signatures of the Court Master.

GAURANG KANTH, J

MAY 11, 2023/kd

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