

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

+139. LPA 682/2010

NEMI CHAND JAIN @ CHANDRASWAMI Appellant
Through Mr. K.P. Dandpani, Sr. Adv. with
Mr. Santosh Chaurihaa and
Mr. Pramod Kharwar, Advs.
versus

ENFORCEMENT DIRECTORATE Respondent
Through Mr. A.S. Chandhiok, ASG with
Mr. H.C. Bhatia, Adv.

140. LPA 683/2010

VIKRAM SINGH Appellant
Through Mr. K.P. Dandpani, Sr. Adv. with
Mr. Santosh Chaurihaa and
Mr. Pramod Kharwar, Advs.
versus

ENFORCEMENT DIRECTORATE Respondent
Through Mr. A.S. Chandhiok, ASG with
Mr. H.C. Bhatia, Adv.

141. LPA 684/2010

AMBASSADOR CONSTRUCTIONS PVT LTD Appellant
Through Mr. K.P. Dandpani, Sr. Adv. with
Mr. Santosh Chaurihaa and
Mr. Pramod Kharwar, Advs.
versus

ENFORCEMENT DIRECTORATE Respondent
Through Mr. A.S. Chandhiok, ASG with
Mr. H.C. Bhatia, Adv.

LPA 682/2010 & connected matters.

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142. LPA 685/2010

NEMI CHANDRA JAIN @ CHANDRASWAMI Appellant
Through Mr. K.P. Dandpani, Sr. Adv. with
Mr. Santosh Chaurihaa and
Mr. Pramod Kharwar, Adv.

versus

ENFORCEMENT DIRECTORATE Respondent
Through Mr. A.S. Chandhiok, ASG with
Mr. H.C. Bhatia, Adv.

143. LPA 686/2010

RC JAIN Appellant
Through Mr. K.P. Dandpani, Sr. Adv. with
Mr. Santosh Chaurihaa and
Mr. Pramod Kharwar, Adv.

versus

ENFORCEMENT DIRECTORATE Respondent
Through Mr. A.S. Chandhiok, ASG with
Mr. H.C. Bhatia, Adv.

144. LPA 687/2010

CHANDRA SWAMI @ NEMI CHAND JAIN Appellant
Through Mr. K.P. Dandpani, Sr. Adv. with
Mr. Santosh Chaurihaa and
Mr. Pramod Kharwar, Adv.

versus

ENFORCEMENT DIRECTORATE Respondent
Through Mr. A.S. Chandhiok, ASG with
Mr. H.C. Bhatia, Adv.

145. LPA 688/2010

NEMI CHAND JAIN @ CHANDRASWAMI Appellant
Through Mr. K.P. Dandpani, Sr. Adv. with
Mr. Santosh Chaurihaa and
Mr. Pramod Kharwar, Adv.

versus

ENFORCEMENT DIRECTORATE Respondent
Through Mr. A.S. Chandhiok, ASG with
Mr. H.C. Bhatia, Adv.

146. LPA 689/2010

NEMI CHAND JAIN @ CHANDRASWAMI Appellant
Through Mr. K.P. Dandpani, Sr. Adv. with
Mr. Santosh Chaurihaa and
Mr. Pramod Kharwar, Adv.

versus

ENFORCEMENT DIRECTORATE Respondent
Through Mr. A.S. Chandhiok, ASG with
Mr. H.C. Bhatia, Adv.

147. LPA 690/2010

VIKRAM SINGH Appellant
Through Mr. K.P. Dandpani, Sr. Adv. with
Mr. Santosh Chaurihaa and
Mr. Pramod Kharwar, Adv.

versus

ENFORCEMENT DIRECTORATE Respondent
Through Mr. A.S. Chandhiok, ASG with
Mr. H.C. Bhatia, Adv.

148. LPA 691/2010

NEMI CHAND JAIN @ CHANDRASWAMI Appellant
Through Mr. K.P. Dandpani, Sr. Adv. with
Mr. Santosh Chaurihaa and
Mr. Pramod Kharwar, Adv.

versus

ENFORCEMENT DIRECTORATE Respondent
Through Mr. A.S. Chandhiok, ASG with
Mr. H.C. Bhatia, Adv.

149. LPA 692/2010

NEMI CHAN JAIN @ CHANDRASWAMI Appellant
Through Mr. K.P. Dandpani, Sr. Adv. with
Mr. Santosh Chaurihaa and
Mr. Pramod Kharwar, Adv.

versus

ENFORCEMENT DIRECTORATE Respondent
Through Mr. A.S. Chandhiok, ASG with
Mr. H.C. Bhatia, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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21.09.2010

In this batch of appeals the challenge is to the order passed by the learned Single Judge in the writ petitions whereby he has given a stamp of approval to the order passed by the Appellate Tribunal for Foreign Exchange (tribunal) whereby the tribunal has declined to entertain the application seeking waiver of pre-deposit.

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For the sake of clarity and convenience, we would like to refer to the order passed in WP(C) No.2643/2007. In the said case, the learned Single Judge in paragraphs 7 & 8 has held as follows:

“7. This Court on considering the above submissions, is of the view that the Petitioner has not been able to make out a prima facie case for complete waiver of the pre-deposit of the penalty amount. The evidence discussed by the Special Director in the adjudication order does show that the Petitioner did receive the two drafts of US\$2 million and 3 million respectively outside India which were then credited by Mr. Adnan Khashoggi in his account. The recovery of the attestation certificate also prima facie establishes the case of the Respondents.

8. As rightly pointed out, a self-serving affidavit of the Petitioner is not itself sufficient to substantiate financial hardship. This Court’s decision in *Nemi Chand Jain v. Enforcement Directorate* has been affirmed by the Supreme Court with the dismissal of the SLP.”

In our considered opinion, the reasoning ascribed by the learned Single Judge are absolutely impeccable and does not warrant interference in exercise of the appellate jurisdiction under Clause 10 of the Letters Patent.

Though we have declined to interfere, yet we are inclined to modify the order of the learned Single Judge to the extent that the appellant shall deposit the amount in each case by the end of November 2010 and on such deposit being made the appellate authority shall proceed to hear the appeal and dispose the same as expeditiously as possible, preferably, within a period of three months.

With the aforesaid modification, the appeals are disposed of. No order as to costs.


CHIEF JUSTICE


MANMOHAN, J

SEPTEMBER 21, 2010

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