

\$~40

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

+ **W.P.(C) 4352/2015**

**SUNIL KUMAR GUPTA**

..... Petitioner

Through: Mr Udit Gupta, Mr Tushar Gupta & Ms  
Suvarna Kashyap, Advs.

versus

**UNION OF INDIA & ANR**

..... Respondents

Through: Mr Anurag Ahluwalia, CGSC with Mr  
Prashant Ghai, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

% **01.05.2015**

CM No. 7877/2015 (Exemption)

1. Allowed subject to just exceptions.

WP(C) 4352/2015

2. The grievance of the petitioner, is that, respondents are not re-issuing him a passport, on the expiry of his earlier passport bearing no. E7980170, dated 05.04.2004.

2.1 It is in this connection, that a direction is sought for quashing of show cause notices dated 25.06.2013, 04.07.2013 and 18.10.2013.

2.2 In addition, prayer is made that respondents be directed to re-issue the passport to the petitioner.

3. To be noted, the aforementioned show cause notices were issued to the petitioner, as it got revealed to the respondents, pursuant to a police

verification report being filed with them, that an FIR No. 33/1982, stood lodged with Police Station Najafgarh, Delhi, against him.

4. It is though, the petitioner's case that way back, in 1982, the aforementioned FIR was lodged against him under Sections 7, 10 & 55 of the Essential Commodities Act, 1955.

4.1 The reason for this, was, that in a raid conducted at the premises of the petitioner, he was found in possession of 400 cement bags, which were suspected to carry "Portland" and "Pozzolana", cement.

4.2 It is the petitioner's case that samples were taken and tests were carried out by the concerned department, which proved the contrary. The petitioner, says that, it is perhaps, for this reason, that now for over three decades no action has been taken qua the aforementioned FIR.

5. In so far as the petitioner is concerned, he has made three representations to the respondents, which are dated : 24.09.2013, 03.10.2013 and 01.04.2014. Broadly, what has been recorded by me hereinabove, is the defence taken by the petitioner, for his apparent failure to mention the pendency of the FIR, in his application for re-issuance of passport.

6. In these circumstances, the writ petition is disposed of with a direction to the respondents to carry an inquiry with the concerned police station and to ascertain afresh as to whether a closure report has been filed, or was the matter carried forward by institution of a chargesheet. Upon getting necessary answers, the respondents will thereafter, pass appropriate orders, on the application of the petitioner, for re-issuance of passport.

6.1 This exercise will be completed with expedition, though not later than four weeks from today. A copy of the order passed, will be furnished to the petitioner.

7. Dasti.

**RAJIV SHAKDHER, J**

**MAY 01, 2015**

kk

W.P.(C) 4352/2015

Page 3 of 3