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

+ **W.P.(C) 5611/2015**

RAM NIWAS VERMA

..... Petitioner

Through: Mr. Naveen Malhotra and Mr. Nitendra
Kumar, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Amit Mahajan, CGSC with Ms.
Namisha Gupta and Mr. Nitya Sahrma, Advocates
for R-1 to 3
Mr. Satish Kumar, Standing Counsel for R-4

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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28.05.2015

CM No.10107/2015 (Exemption)

1. Allowed subject to just exceptions.

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2. The limited grievance of the petitioner is that a LOC appears to be in existence qua him. To be noted, the petitioner was arrested on 17.06.2013 in connection with recovery of gold bars valued at Rs.1,67,03,286/-. It appears that the petitioner moved the Settlement Commission, which passed an order dated 16.05.2014, whereby the dispute between him and customs was settled on terms, indicated therein.

3. Apparently, the Customs Department had, in the meanwhile, opened a LOC qua the petitioner which, according to the petitioner ought to have been

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closed after the decision of the Settlement Commission.

3.1 In his connection, it appears that the petitioner made a representation on 23.08.2014 to the Secretary, GOI, Ministry of Home Affairs and the Incharge of Foreigners Registration Branch. A copy of the said communication was evidently sent to the Commissioner of Customs, as well as, to the Additional Commissioner of Customs.

4. Qua this representation, there has been no order passed by the concerned authorities. However, on 20.10.2014, pursuant to a complaint made by the petitioner to the Ministry of Home Affairs, Govt. of India, a response was received on 20.10.2014. In the said communication, the petitioner was informed as follows :-

“..The undersigned is directed to refer your complaint and enclosed papers regarding the subject cited above and to say that as per MHA’s guidelines, LOC can only be opened on the basis of request received from the designated originator in prescribed proforma and in consonance with MHA guidelines. No such designated originator is found in your letter and as such, no action could be taken at this end.

2. You are, therefore, requested to approach the concerned Police/ Judicial Authority for issuing direction in this regard...”

5. It is obvious that the originator, which is the Customs Department i.e., respondent no.4 herein, which has to make a request, if at all for closure of the LOC.

5.1 Mr. Satish Kumar, who appears for respondent no.4 says that the captioned petition can be treated as a representation and appropriate orders will be passed with regard to the request of the petitioner for closure of

LOC. It is directed accordingly. The needful will be done within four weeks from today. Respondent no.4 will pass a reasoned order which shall be communicated to the petitioner. In case respondent no.4 were to take a decision to close the LOC, the said request will be forwarded to the Ministry of Home Affairs, Government of India for necessary orders.

6. The writ petition is disposed of accordingly.

7. Dasti.

RAJIV SHAKDHER, J

MAY 28, 2015

Yg

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