

\$~3

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

+ **W.P.(C) 10823/2017 and CM No. 44371/2017**

ODESKA

..... Petitioner

Through: Mr Umesh Sharma, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr Rajesh Gogna, CGSC with Mr
Brajesh Kumar, Govt. Pleader with
Ms Vipra Bhardwaj, Advocate for R-
1 and 3.

Mr Anupam S. Sharrma, SPP for CBI
with Ms Prachee Satija, Mr Prakash
Airan and Mr Shivam Gupta,
Advocates for CBI.

Mr Judy James, Senior Standing
Counsel for R-4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

15.12.2017

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“I. Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction in favour of the petitioner and against the respondent thereby calling for the records of the file and directing the respondent NO. 1 to act on the complaint of the Petitioner and cancel the IIC certificate No. 2414014636 (Copy with Respondent No.1) issued in the name of M/s Ollo Import and Export Ltd, the respondent No.4 herein.

II. Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction in favour of the

petitioner and against the respondent NO- 2,3&4, thereby directing the said respondent to act and investigate the complaint as filed by the petitioner with regard to cheating, forging of documents by the respondent No.3 and to unearth the entire racket of cheating with the several unsuspected foreign parties by the respondent No.5.”

2. The petitioner’s principal grievance is that it had paid a sum of USD 253000/- to respondent no.5 for the export of Chicpeas from India to Ukraine.
3. The petitioner claims that respondent no.5 has also issued an invoice to the aforesaid effect and the entire money was transferred by the petitioner into the account of respondent no.5. Notwithstanding the payment of the entire consideration, the goods had not been dispatched.
4. It is seen that the petitioner has also filed a complaint with the Gujarat Police Authorities pursuant to which an FIR (being FIR No. 123/2017) has also been registered with PS Taluka, Rajkot, Gujarat and the same has been investigated.
5. Mr Gogna, learned counsel appearing for the respondents states that DGFT is already examining the matter and adjudication proceedings have begun.
6. In view of the above, no further orders are required to be passed in this petition.
7. The petition and the application are disposed of.

VIBHU BAKHRU, J

DECEMBER 15, 2017
RK