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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WRIT PETITION NO.27972 OF 2021

Ahmed A.R.Buhari

...Petitioner

vs.

1.Union of India,
rep. by its Secretary,
Ministry of Home Affairs,
Government of India,
East Block - VIII,
Level V, Sector - I,
R.K.Puram,
New Delhi - 110 066.

2.The Directorate of Enforcement,
rep. by its Deputy Director,
Chennai Zonal Office,
Government of India,
2nd & 3rd Floor,
Murugesan Naicker Complex,
No.84, Greaves Road,
Chennai 600 006.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the 2nd Respondent to forthwith lift the Lookout Circular in F.No.ECIR/CEZO/I/01/2018 and allow the Petitioner herein to travel to Singapore, Malaysia and United Kingdom from 07.02.2022 till 07.09.2022.

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel
for Mrs.AL.Gandhimathi

For Respondents : Mr.N.Ramesh,
Standing Counsel for R2

O R D E R

Petitioner has come up with the present Writ Petition seeking a direction to the 2nd Respondent to forthwith lift the Lookout Circular in F.No.ECIR/CEZO/I/01/2018 and allow him to



travel to Singapore, Malaysia and United Kingdom from 07.02.2022 till 07.09.2022.

2. According to the Petitioner, he is a Non-resident Indian and a citizen of the Republic of Singapore and is the founder-President and CEO of the Coal and Oil Group, which is an Integrated Energy and Infrastructure Company, engaged in the production of power and providing fuel solutions. In the year 2017, the Directorate of Revenue Intelligence issued a Show Cause Notice to the Petitioner under the Customs Act, 1962, proposing to reject declared values, to re-determine the same, to confiscate and for levying of penalties in respect of the transactions relating to the years 2011-2012 and 2014-2015, where the said Company had imported coal of Indonesian origin for the use of NTPC or ACPCL.

3. On 22.01.2018, the EOW, Central Bureau of Investigation had registered a F.I.R. in RC.221/2018/E-003 as against the Petitioner representing Coastal Energy Pvt. Ltd. and some other unknown Officials of the Public Sector Undertakings such as MMTC, NTPC, ACPCL, etc. for offences under Section 120(B) r/w Section 420 I.P.C. read with Section 13(2) r/w Section 3(1)(d) of the Prevention of Corruption Act, 1988. Consequent to the registration of the aforesaid complaint by the CBI, a Lookout Circular was also issued against the Petitioner by the CBI.

4. While so, the Petitioner filed M.P.No.1 of 2020 before the Special Judge (Prevention of Corruption Act) CBI-XVI, New Delhi, praying for permission to undertake travel abroad for business purpose. Such Application was conditionally allowed by the said Special Court vide order dated 07.02.2020 to travel to Singapore, Korea, United Kingdom, Bangladesh and China and the same was extended vide orders dated 29.05.2020, 21.08.2020, 17.11.2020, 15.03.2021 and 22.06.2021. Through the last order, the Petitioner was allowed to travel upto 30.09.2021 and he returned to India on 16.08.2021.

5. In respect of lifting of Lookout Circular, the Petitioner had filed W.P.No.3949 of 2020 and W.P.No.7302 of 2021, and this Court, vide orders dated 10.03.2020 and 27.04.2021, respectively, allowed the Petitioner to travel abroad, subject to certain conditions and the Petitioner returned to India on 16.08.2021. The Petitioner has now come up with the above Writ Petition seeking to forthwith lift the Lookout Circular in F.No.ECIR/CEZO/I/01/2018 and allow him to travel to Singapore, Malaysia and United Kingdom from 07.02.2022 till 07.09.2022.

6. Learned Senior Counsel appearing for the Petitioner submitted that, in respect of lifting the Lookout Circular



issued against him, the Petitioner initially moved a Petition before the Special Judge (Prevention of Corruption Act) CBI-XVI, New Delhi, seeking permission to travel abroad and the Petitioner was granted permission to travel abroad subject to certain conditions. However, till date, the Enforcement Directorate has not filed any complaint before the Special Court against the Petitioner. Hence, according to the learned Senior Counsel, there is no impediment for the Respondents in lifting the Lookout Circular in F.No.ECIR/CEZO/I/01/2018 and allowing the Petitioner herein to travel abroad from 20.01.2022 till 07.09.2022.

7. Learned Standing Counsel appearing for the Respondents submitted that, the Petitioner did not violate any of the conditions imposed by this Court in the earlier Writ Petitions filed by him. However, this Court may permit the Petitioner to travel abroad, subject to certain conditions.

8. Heard the learned counsel on either side and perused the material documents available on record.

9. Admittedly, the Petitioner has not violated any of the conditions imposed by this Court earlier in W.P.No.3949 of 2020 and W.P.No.7302 of 2021. In view of the same, the Lookout Circular issued by the 2nd Respondent in F.No.ECIR/CEZO/I/01/2018 shall remain suspended from 20.01.2022 till 07.09.2022, so as to enable the Petitioner to travel to Singapore, Malaysia and United Kingdom, any day on and from 20.01.2022 till 07.09.2022, subject to compliance of the following conditions:

(i) The Petitioner shall maintain the FDR of Rs.50 lakhs (Rupees Fifty Lakhs only) submitted with the 2nd Respondent until further orders of this Court;

(ii) The Petitioner shall furnish details of his itinerary to the 2nd Respondent before the departure, and shall intimate him upon arrival;

(iii) The Petitioner shall give his mobile number to the 2nd Respondent and keep the said number in working mode throughout the above period;

(iv) The Petitioner shall give details of his stay in countries, where he intends to travel;

(v) The Petitioner shall not try to contact any of the witnesses or tamper any of the evidence in any manner;

(vi) The Petitioner shall appear before the Enforcement Directorate as and when directed by the said Investigating Agency;

(vii) In case of violation of the above



conditions, the FDR submitted by the Petitioner shall stand forfeited.

10. It is made clear that, this order suspending the Lookout Circular issued by the 2nd Respondent from 20.01.2022 till 07.09.2022 is passed on the abovestated facts and circumstances and the Petitioner shall avoid seeking extension of suspending the Lookout Circular for any future period on any reason, except COVID-19 situation.

The Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.29542 of 2021 is closed.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

(aeb)

To:

1.The Secretary,
Union of India,
Ministry of Home Affairs,
Government of India,
East Block - VIII, Level V,
Sector - I, R.K.Puram,
New Delhi - 110 066.

2.The Deputy Director,
Directorate of Enforcement,
Chennai Zonal Office,
Government of India,
2nd & 3rd Floor,
Murugesan Naicker Complex,
No.84, Greaves Road,
Chennai 600 006.

+1cc to M/s.AL.Ganthimathi, Advocate SR.No.3134

W.P.No.27972 of 2021

AK(CO)
RVM(20/01/2022)