



\$~49

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

+ **LPA 310/2024 & CM APPLs. 22253-22257/2024**

MR SUNNY GAUR

..... Appellant

Through: Mr. Samudra Sarangi, Ms. Alisha
Luthra and Ms. Priyal Sarawagi,
Advocates

versus

**UNION OF INDIA (MINISTRY OF
HOME AFFAIRS) & ANR.**

..... Respondent

Through: Mr. Anurag Ahluwalia, CGSC with
Mr. Shriram Tiwary, Govt. Pleader
for R-1/MHA and R-2/SFIO

%

Date of Decision: 16th April, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. The present appeal filed under Clause X of the Letters Patent of the then High Court of Judicature at Lahore, which stands extended to the High Court of Delhi, impugns the interlocutory order dated 4th April, 2024 ('impugned order') passed in CM Appl. 61399/2023, filed in W.P.(C) 3607/2022, titled as '**Sunny Gaur v. Union of India Through Ministry of Home Affairs and Another**' ('writ petition') permitting the Appellant herein to travel abroad from 09th April, 2024 to 01st May, 2024, subject to the conditions stated therein.

1.1. The present appeal is a limited challenge to the said permission, to the



extent it directs the Appellant to furnish a Bank Guarantee or FDR¹ of Rs. Five Crores with the Registrar General of this Court as a condition precedent to undertaking travel abroad on the aforesaid dates.

2. It is stated that the Appellant was a whole time Director of Jaiprakash Associates Limited ('JAL'), which is the holding company of Jaypee Infratech Limited ('JIL'), during the period from 1998 to July, 2020. It is stated that on 8th December, 2020, the Appellant was stopped at IGI Airport, New Delhi while he was travelling to Dubai, UAE owing to a Look Out Circular ('LOC') issued against him, by Respondent No. 2. Therefore, aggrieved by the impediments posed by the said LOC, the Appellant filed the underlying writ petition, seeking quashing of the said LOC.

2.1 It is stated that during the pendency of the underlying writ petition, the Appellant preferred several Interlocutory Applications seeking permission to travel abroad for short periods and was granted permission each time.

2.2 It is stated that the Appellant was first granted permission to travel abroad *vide* Order dated 1st June, 2022². The said permission was granted subject to a security deposit of Rs. 5 Crores by the Appellant, with the Registrar General of this Court and other conditions set out in the said Order. The conditions (including security deposit of Rs. 5 Crores) imposed by the learned Single Judge *vide* Order dated 1st June, 2022, were duly complied by the Appellant before undertaking the travel.

2.3 It is further stated that the learned Single Judge *vide* Orders dated 12th

¹ Fixed Deposit Receipt

² Passed in CM Appl. 21874/2022 filed in W.P. (C) 3607/2022



September, 2022³, 04th January, 2023⁴ and 20th March, 2023⁵ permitted the Appellant to travel abroad subject to compliance of the conditions set out therein. However, it is stated that the Appellant could not travel abroad in pursuance to orders dated 04th January, 2023 and 20th March, 2023 on account of his non-compliance with the pre-condition of security deposit of Rs. 5 Crores.

2.4 It is stated that Appellant filed another interlocutory application being CM Appl. 61399/2023 in the underlying writ petition, seeking permission to travel to London, United Kingdom from 9th April, 2024 to 1st May, 2024 on account of a family vacation and for undertaking official business of his company, Jaishnavi Eminence Private Limited ('JEPL') in his capacity as the Chief Executive Officer (CEO) of JEPL.

2.5 It is stated that the learned Single Judge vide impugned order dated 4th April, 2024, has allowed CM Appl. 61399/2023 permitting the Appellant to travel abroad from 9th April, 2024 to 1st May, 2024, however, subject to certain conditions set out therein.

2.6 It is stated that the Appellant herein is aggrieved by the condition, set out at serial no. (i) of paragraph 7 ('impugned condition') of the impugned order dated 4th April, 2024 and therefore, has challenged the impugned order to the extent it directs the Appellant to furnish a Bank Guarantee or FDR of Rs. Five Crores with the Registrar General of this Court as a condition precedent to undertaking travel abroad from 9th April, 2024 to 1st May, 2024. The said condition set out in the impugned order read as under: -

"7. This Court is inclined to permit the Petitioner to travel abroad from

³ Passed in CM Appl. 36082/2022 filed in W.P. (C) 3607/2022

⁴ Passed in CM Appl. 52800/2022 filed in W.P. (C) 3607/2022

⁵ Passed in CM Appl. 13415/2023 filed in W.P. (C) 3607/2022



09.04.2024 to 01.05.2024 subject to the following conditions: -

i. **The Petitioner shall place in deposit with the Registrar General of this Court a sum of Rs.5 Crores in the form of an FDR or a Bank Guarantee as a condition precedent to undertaking travel in terms of this order.**

(Emphasis Supplied)

3. The Appellant, aggrieved by the impugned condition set out in the impugned order dated 4th April, 2024, has preferred the present Appeal.

4. Learned counsel for the Appellant states that the condition of deposit of sum of Rs. 5 Crores imposed by the learned Single Judge in the impugned order is without any justifiable rationale. He states that it is apparent that the Appellant has been permitted to travel abroad on several occasions, but has successfully undertaken travel once and even then, complied with all conditions imposed on him. He states that, thereafter, the deteriorated financial condition of the Appellant has prevented him from being able to meet the exorbitant security deposit amount of Rs. 5 Crores.

4.1 He further states that the imposition of the impugned condition was also resisted by the Appellant before the learned Single Judge, whereby the Appellant requested for relaxation in the amount of security deposit and contended that he is not in a position to deposit a sum of Rs. 5 Crores, as after the filing of the underlying writ petition, Appellant's financial condition had deteriorated and the Appellant had to sell his properties to fulfill his business obligations.

4.2 He further states that the unwillingness of the learned Single Judge to reconsider the condition of deposit of Rs. 5 Crores, in effect, places a travel ban on the Appellant.

4.3 He further states that the Appellant has not sought for a comprehensive waiver of the impugned condition. However, the Appellant



is merely requesting for relaxation in the amount of security deposit. In this regard, he states that the Appellant is ready and willing to pay a sum of Rs. 2.5 Crores towards the fulfilment of the pre-condition of security deposit. He states that in case of another director of JAL i.e., Mr. Rakesh Sharma, the Court while granting him permission has imposed condition of deposit of Rs. 50 lakhs as security.

5. In reply, learned Standing Counsel for Respondent Nos. 1 and 2 states that the Appellant is a man of sufficient means and the grounds stated in the appeal for seeking modification of the condition of security deposit are not justified. He states that the record shows that Appellant has disposed of valuable immovable assets through his family members.

6. We have heard the learned counsel for the Appellant and the learned Standing Counsel for Respondent Nos. 1 and 2 as well as perused the record including the record of W.P. (C) 3607/2022.

7. The Appellant has placed on record his travel itinerary along with the bookings of the hotels and flights. A perusal of the reservation details of air travel and hotel bookings show that the Appellant is man of wealth and the plea of deterioration in his financial condition is belied by the said bookings. The premium standard of lodging and boarding proposed to be undertaken by the Appellant during his travel evidences that Appellant has more than sufficient means to furnish the security of Rs. 5 Crores.

8. It is a matter of record that in pursuance to the first permission granted *vide* order dated 01st June, 2022, the Appellant herein had furnished the security deposit of Rs. 5 Crores with the Registrar General of this Court. The said deposit was admittedly refunded to him on his return to India. Reiteration of the said condition two years later in 2024 is reasonable and



justified. No ground is made out for interference in the conditions set down by the learned Single Judge in the impugned order.

9. It is further noted that though the permission has been granted by the learned Single Judge to the Appellant for travel 09th April, 2024 to 01st May, 2024, however, the Appellant has now placed on record bookings for the period from 19th May, 2024 to 05th June, 2024 and now seeks permission to travel on these revised dates. The Appellant's omission in undertaking travel as per the permission granted by the learned Single Judge in the impugned order and the prayer made in the present appeal for the revised itinerary shows that there is no urgency in the Appellant's travel plans.

10. In fact, the Appellant's omission to undertake travel despite having been granted permission *vide* orders dated 12th September, 2022, 04th January, 2023 and 20th March, 2023 raises grave doubts about the genuineness of the prayer made by the Appellant for his overseas travel.

11. For all the above reasons, we find no merits in the present appeal and the same is accordingly dismissed along with pending applications

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 16, 2024/hp/MG