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

+ W.P.(C) 2103/2025, CM APPL. 9915/2025

M/S SHARNAM JEWELS LLP

.....Petitioner

Through: Ms. Garima Singh and Mr. Prince
Kumar, Advocates.

versus

UNION OF INDIA THROUGH

ITS SECRETARY REVENUE & ANR.

.....Respondents

Through: Ms. Nidhi Raman, CGSC alongwith
Mr. Zubin Singh and Mr. Yashasevi
S.K. Chocksey, GP for UOI.
Mr. Anupam Sharrma, SC for ED
alongwith Mr. Prakash Airan, Ms.
Harpreet Kalsi, Mr. Ripudaman
Sharma and Mr. Vashisht Rao,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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18.02.2025

CM APPL. 9912/2025 (Exemption)

CM APPL. 9913/2025(Exemption)

CM APPL. 9914/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 2103/2025

3. The present petition has been filed by the petitioner alleging infraction of the petitioner's fundamental rights under Articles 14, 19(1)(g) & 21 of the Constitution of India r/w sections 15 & 37A of the Foreign Exchange Management Act, 1999 (FEMA) inasmuch as the accounts of the petitioner are stated to have been unauthorisedly frozen in derogation of provisions of



the FEMA.

4. It is submitted that by virtue of the impugned actions taken by the respondents, the petitioner is unable to ensure that the inward remittances to the tune of USD 43,08,38,595.67/- are credited into the petitioner's bank account in question. It is submitted that this is only on account of the action taken by the respondents.

5. It is submitted that the petitioner is based in Surat, Gujarat and is a Special Economic Zone (SEZ) unit engaged in importing cut & polished precious stones, silver grains, polished natural diamonds, gold bars etc. During the period between 15.02.2022 to 06.06.2022, the petitioner successfully acquired foreign exchange amounting to Rs.800/- Crores by way of proceeds from exports. However, the acquisition of the proceeds from exports has been impeded on account of a seizure order dated 13.09.2024 issued by the respondent no.2, pursuant to which, the bank account in question has been frozen. The primary grievance ventilated by the petitioner is that it should be permitted to bring back the proceedings from exports into its bank account. The petitioner also filed an undertaking along with the present petition, in which, it has been, *inter alia*, stated that it seeks to ensure that proceeds from exports amounting to USD 43,08,38,595.67/- are remitted into its bank account.

6. Learned counsel for respondent no.2/ED, who appears on advance notice, submits and clarifies, on instructions, that there is no impediment whatsoever in any amount being remitted/credited into the bank account of the petitioner. The said statement is taken on record.

7. In view of the statement made by the learned counsel for the respondent no. 2, there is no impediment in the petitioner taking requisite



steps for remittance of the proceedings from exports into the bank account of the petitioner.

8. Insofar as the prayer of the petitioner that it should be allowed to undertake debit transactions from the bank account in question after the aforesaid amount is remitted in the bank account of the petitioner, it is pointed out that after the said seizure order dated 13.09.2024 was passed, the matter is under consideration of the competent authority as contemplated under Section 37A of the FEMA, 1999. Attention is drawn to the fact that the petitioner has already appeared before the competent authority and also made its submissions.

9. The competent authority is directed to duly consider the request of the petitioner for carrying out debit transactions from its bank account/s and also duly consider any application that may be moved by the petitioner under the proviso to Section 37A (4) FEMA. Let the same be done expeditiously by the competent authority and a reasoned order be passed with regard thereto. Needless to say, in case the petitioner is aggrieved with the same, it shall be at liberty to avail appropriate remedies under law.

10. No further orders are required to be passed in the present petition; the same is accordingly disposed of.

11. Pending application also stands disposed of.

SACHIN DATTA, J

FEBRUARY 18, 2025/at