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

+ **W.P.(C) 12243/2025**

SUSHEN MOHAN GUPTA

.....Petitioner

Through: Mr. Siddharth Aggarwal, Sr. Adv.,
Mr. Faraz Maqbool, Ms. Deepshikha,
Ms. Sana Juneja, Ms. Vismita Diwan
and Ms. Arshiya Ghosh, Advs.

versus

**THE JOINT DIRECTOR (ADJ-3), DIRECTORATE OF
ENFORCEMENT AND ANR.**

.....Respondents

Through: Mr. Vivek Gurnani, Panel Counsel
and Mr. Kanishk Maurya, Advs., ED.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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13.08.2025

CM APPL.49881/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 12243/2025 and CM APPL.49882/2025 (Stay)

3. The present petition assails ongoing proceedings before the Joint Director, Department of Enforcement (Adjudicating Authority) in file bearing No.T-4/2-D/2022 pertaining to adjudication proceedings under Section 13 of the Foreign Exchange Management Act, 1999 (FEMA).
4. It is brought out that the proceedings have been initiated pursuant to a complaint dated 29.10.2020 filed against the petitioner under Section 16(3) FEMA by the Deputy Director, Directorate of Enforcement for alleged contravention of Section 3(a) read with Section 3(b) of FEMA, 1999.



5. The present petition impugns the respondent no.1's 'Call Notice' dated 23.07.2025 issued to the petitioner under the Foreign Exchange Management (Adjudication Proceedings and Appeal) Rules, 2000 (FEMA Adjudication Rules).

6. The grievance articulated by learned senior counsel for the petitioner is that the concerned adjudicating authority is proceeding with the inquiry without furnishing to the petitioner, the opinion formed by the adjudicating authority under Rule 4(3) of FEMA Adjudication Rules and without furnishing the relevant documents.

7. After some hearing, it is agreed that the respondents would supply to the petitioner:

(i) The opinion formed by the Adjudicating Authority under Rule 4(3) of FEMA Adjudication Rules and also afford an inspection to the petitioner together with a copy thereof.

(ii) Afford an inspection to the petitioner of the documents referred to in letter dated 11.03.2020 addressed to the then Adjudicating Officer (Annexure P-8) which reads as under:

"F.No. T-22/01/DZ-CR/FEMA/2019/AD(SA)/ Date: 11/03/2020

To,

*Shri J. P. Mishra,
Deputy Director, Zone II,
Directorate of Enforcement,
New Delhi.*

Sir,

Sub:- Investigation under the provisions of FEMA, 1999 in respect of Radhey Mohan Kapoor, Yadur Kapoor, Suchet Pandey and R. K. Choraria – offshoot cases of AgustaWestland – Reg.

Please refer to your letter issued vide File No.T-3/Misc/24/DZ-CR/2019/dated 19.02.2020 on the above mentioned subject.



2. In this regard, the following documents, wherein reference of name mentioned in the above subject has appeared, are being forwarded to you:

i) Copy of statement dated 03.04.2019 of Sushen Mohan Gupta wherein references of Radhey Mohan Kapoor and Yadur Kapoor have appeared.

ii) Copy of emails between Sushen Mohan Gupta and Rajiv Saxena having instructions given by Sushen Mohan Gupta to Rajiv Saxena for transfer of funds.

iii) Exhibit sheets with cross referencing of data contained in pendrive of Sushen Mohan Gupta with bank statements of M/s. Interstellar Technologies Ltd., M/s. UHY Saxena, M/s. Midas International FZE, M/s. Matrix Group Limited, M/s. Matrix Group DMCC, M/s. Midas Metals International LLC and M/s. Matrix Holdings Limited. The said pendrive was submitted by Rajiv Saxena during his statement.

iv) Copy of bank statements of M/s. Interstellar Technologies Limited showing transfer of funds to Radhey Mohan Kapoor.

v) Copy of statements dated 28.03.2019 and 30.03.2019 of Yadur Kapoor.

vi) Copy of statements dated 23.12.2018, 26.12.2018, 27.12.2018, 30.12.2018 and 04.01.2019 of Christian Michel James wherein references of Suchet Pandey and R. K. Choraria were appeared.

vii) Copy of Casana Sheet (LR Italy) having reference of Suchet Pandey and S.K. Financial (company of R.K. Choraria).

viii) Copy of statement dated 29.12.2018 of R.K. Choraria.

Yours faithfully,

Sd/-

(Saurabh Arora)

Assistant Director"

Encl: As above

8. Copy of the aforesaid documents shall also be provided to petitioner if available in the records of the respondent. If the documents are not available with the respondent, the same shall also be duly intimated in writing to the



petitioner.

9. Learned counsel for the respondent accedes to supply the aforementioned documents to the petitioner, given the peculiar facts and circumstances of the case.

10. The above redresses the limited grievance canvassed by the petitioner in the present petition.

11. It is clarified that the adjudication under Rule 4(3) of FEMA Adjudication Rules shall be subject to the legal rights and remedies of the petitioner *inter-alia*, the right to challenge the formation of opinion under Rule 4(3) of FEMA Rules, as may be permissible under law.

12. The petition is disposed of in the above terms.

SACHIN DATTA, J

AUGUST 13, 2025/cl