



2026:DHC:1843



\$~60

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 15042/2025**Date of Decision: **26.02.2026****IN THE MATTER OF:**

ABHISHEK GUPTA

.....Petitioner

Through: Ms. Akanksha Mehra, Mr. Abhiraj Chaoudhary, Ms. Mili Tomar, Mr. Shivam Bhimsaria and Ms. Akansha Singhania, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Amit Tiwari, CGSC, Ms. Ayushi Srivastava, Mr. Ayush Tanwar, Mr. Arpan Narwal, Mr. Kushagra Malik, Advocates for UOI.
Mr. Krishan Kumar, Mr. Seemant K. Garg, Mr. Nitin Pal, Advocates for R-3./ Bank.
Mr. Anmol Sharma, Advocate for R-8.
Mr Tushar Sannu and Ms Pulak Gupta Joshi, Advocates for DDA.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

Signature Not Verified

Signed By:AMIT KUMAR

SHARMA

Signing Date:26.02.2026

13:00:44

W.P.(C) 15042/2025

Page 1 of 4

Signature Not Verified

Signed

By:PURUSHAINDRA

KUMAR KAURAV



The petition is for the following reliefs:

a) Issue Writ of Mandamus and direct the Respondents to disclose and *place on record before this Hon'ble Court the following details as on the date of filing of the instant Petition and also provide to the Petitioner.*

I. Date of issuance of LoC, issued against the Petitioner by the Respondent No 2. And;

II. Details/reasons of the issuance of LoC, including restrictions placed on the travel of the Petitioner abroad. And;

III. To issue Writ of Certiorari to quash the said LoC issued by Respondent No 2 and all consequential actions taken by the Respondents pursuant to the issuance of LoC;

And/or

b) Pass such other and further Order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.

2. The Petitioner is a Director and personal guarantor of Gupta Power Infrastructure Ltd., a company engaged in the business of manufacturing electrical cables, conductors, and execution of EPC contracts. The said company had availed various credit facilities from a consortium of banks comprising Respondent Nos. 3 to 14.

3. Subsequently, the consortium lenders-initiated proceedings against the Company and its guarantors under various statutes. During a consortium meeting held in April 2025, the respondent - Banks informed the petitioner that they were in the process of issuing Look Out Circulars against him, but no written communication or details were provided.

4. In order to ascertain the existence and details of any LOC, the petitioner has filed an application under the Right to Information Act, 2005 on 18.06.2025. However, the Ministry of Home Affairs declined to furnish the requested information vide reply dated 08.07.2025, citing exemption under Section 8(1)(g) of the RTI Act.

5. The controversy involved in the instant matter is covered by the

Signature Not Verified

Signed By:AMIT KUMAR

SHARMA

Signing Date:28.02.2026

13:00:44

W.P.(C) 15042/2025

Page 2 of 4

Signature Not Verified

Signed

By:PURUSHAINDRA

KUMAR KAURAV



decision passed by this Court in the case of *Vineet Gupta vs. Union of India*¹,. In paragraph no. 28 of the said judgment, this Court has held as under:

“28. On the conspectus of the aforementioned decisions and memorandum, it is seen that the following guiding principles emerge governing the issuance, continuance, and judicial review of LOC:

(i) LOC constitutes a coercive executive measure having a substantial impact on the fundamental right to travel, which forms an integral facet of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India. Consequently, the power to issue an LOC must be exercised sparingly, strictly in accordance with law, and only upon satisfaction of the conditions prescribed under the governing Office Memoranda;

(ii) An LOC may be issued only in cases involving a cognizable offence under the relevant statutes, where specific, tangible material demonstrates that the person concerned is deliberately evading arrest or judicial process, or that there exists a real and proximate likelihood of absconding;

(iii) Moreover, the exceptional power under Clause 6 (L) of the Office Memorandum dated 22.02.2021 is to be narrowly construed and may be exercised only in rare and compelling cases, where, the proposed departure of subject poses a clear and grave threat to the sovereignty, security, or integrity of India, or to its strategic or economic interests in a national or systemic sense, or the larger public interest;

(iv) An LOC issued at the instance of Chairman, Managing Director, or Chief Executive Officers of Public Sector Banks, would not withstand the scrutiny of law and judicial review. Thus, as of now, the LOC issued to Public Sector Banks cannot be sustained and are liable to be quashed;

(v) Courts, in exercise of writ jurisdiction, are duty-bound to subject the issuance and continuation of LOCs to strict scrutiny, balancing the legitimate interests of the State with the individual's fundamental rights, and to quash such circulars where the restraint imposed is found to be arbitrary, disproportionate, lacking in statutory backing, or violative of the principles of fairness, reasonableness, and due process. Ultimately, the burden lies squarely upon the “originating agencies” to justify, the necessity,

¹ 2026:DHC:1616



proportionality, and legality of the restraint, failing which such action cannot be sustained. Pertinent to observe that the continuance of an LOC is not indefinite and must be periodically reviewed. Where it is evident from the record that the subject has cooperated with the investigation, has not evaded the process of law, and where no further interrogation or presence is demonstrably required, the continued operation of an LOC would amount to an unreasonable and unjustified restriction on personal liberty;

*(vi) However, it is also to be emphasised herein that the Writ Court is not the exclusive grievance redressal mechanism available to a person against whom a LOC has been issued. As held in **Sumer Singh Salkan**, a person against whom a LOC is issued is, in the first instance, required to join the investigation or surrender before the jurisdictional Court, or otherwise satisfy the Court that the LOC is unwarranted. The individual may also approach the authority which ordered issuance of the LOC and seek its withdrawal on the grounds of illegality or non-application of mind. An LOC may be withdrawn by the originating authority and may also be rescinded or modified by the trial Court or the Court having jurisdiction over the concerned police station, upon an appropriate application."*

6. In view of aforesaid, this Court finds that the case of the petitioner, is almost similar to the case of **Vineet Gupta**. The petitioner and Mr. Vineet Gupta both stood as a personal guarantor.
7. In view thereof, the LOC issued at the instance of Banks stands quashed, with same liberty to the respondent-Bank, as has been granted in the case of **Vineet Gupta**.
8. With the aforesaid directions, the petition, along with pending application(s), if any, stands disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

FEBRUARY 26, 2026/aks/ss.

Signature Not Verified

Signed By:AMIT KUMAR

SHARMA

Signing Date:26.02.2026

13:00:44

W.P.(C) 15042/2025

Page 4 of 4

Signature Not Verified

Signed

By:PURUSHAINDRA

KUMAR KAURAV