



2026:DHC:4375



\$~3

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 4124/2023 and CM APPL. 32184/2023**

Date of Decision: **08.05.2026**

**IN THE MATTER OF:**

SAMEER GAUR

.....Petitioner

Through: Mr. Gaurav Sarin, Sr. Adv. with Mr. Manan Popli, Mr. Gaurav Jain, Mr. Atul Malhotra, Ms. Nupur Sharma, Ms. Karuna Sharma, Ms. Apurva Gaur, Mr. Pramendra Singh, Ms. Priya Tripathi and Mr. Shaurya Sarin, Advocates.

versus

UNION OF INDIA & ORS. & ORS.

.....Respondents

Through: Mr. Rajesh Gogna, SPC With Ms. Rebina Rai, Ms. Punita Jha and Mr. Shivam Tiwari, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**JUDGEMENT**

**PURUSHAINDR KUMAR KAURAV, J. (ORAL)**

1. The petitioner, Mr. Sameer Gaur, has filed the present writ petition seeking quashing of a Look Out Circular (“**LOC**”) issued at the instance of the Serious Fraud Investigation Office (“**SFIO**”), which is investigating the



2026:DHC:4375



affairs of Jaiprakash Associates Limited (“**JAL**”) and its subsidiary Jaypee Infratech Limited (“**JIL**”). The petitioner had served as a Director, Whole-time Director and Joint Managing Director of the JIL between 2007 and 2016. By letter dated 23.08.2016, the petitioner relinquished his charge as Whole-time Director and Joint Managing Director of JIL. His resignation was duly accepted by the Board of Directors on 31.08.2016, and, he, thereafter, continued to hold office as Non-Executive Director of JIL for a certain period. The petitioner subsequently began working in M/s Kram Infracon Private Limited as Director from 01.09.2016 to 30.04.2018 and thereafter served as its Executive President and is currently employed as an Advisor in the same company.

2. It is the case of the petitioner that he has consistently cooperated with the investigation. He appeared before the SFIO on 22.02.2021 when his statement was recorded. He submitted additional information on 04.03.2021. He responded to subsequent questionnaires. There is no allegation that the petitioner has ever evaded summons or failed to appear when required.

3. It is pointed out by the petitioner that with respect to the same investigation being carried out by the SFIO, LOCs were opened against three of his family members. This court in the case of **Rekha Dixit v. Union of India and Ors.**,<sup>1</sup>**Mr. Pankaj Gaur v. Union of India and Ors.**<sup>2</sup> and **Sunny Gaur v. Union of India Through Ministry of Home Affairs and Anr.**<sup>3</sup> has set aside the respective LOCs against each one of them. The petitioner is the real brother of Rekha Dixit and Sunny Gaur, and first cousin

---

<sup>1</sup>Order dated 03.02.2026 in W.P.(C) 6534/2023

<sup>2</sup>Order dated 10.05.2022 in W.P.(C) 14468/2021

<sup>3</sup>Order dated 17.04.2026 in W.P.(C) 3607/2022



2026:DHC:4375



of Pankaj Gaur.

4. It is submitted that even during the pendency of the present writ petition, the petitioner was permitted by this Court to travel to Spain in May-June 2023, and to Zurich and London in August 2025 *vide* orders dated 10.05.2023 and 22.07.2025, which permissions were granted on the petitioner furnishing an undertaking of cooperation and security deposits.

5. The submissions of the petitioner are opposed by Mr. Syed Abdul Haseeb, learned counsel appearing for the respondents and he contends that keeping in mind the seriousness of the allegations, the Court may not consider quashing the LOC.

6. The respondents have not placed any material to demonstrate that the petitioner poses a flight risk. The petitioner has substantial movable and immovable assets in India. His entire family resides in India. He has been permitted by this Court to travel abroad on two previous occasions and has returned to India on both occasions without any violation of the conditions imposed.

7. This Court in *Ritu Singhal v. Bureau of Immigration & Ors.*<sup>4</sup> has while examining various aspects of the legal framework governing the issuance, continuance and judicial review of LOCs, considered the decisions in *Sumer Singh Salkan v. Asst. Director*<sup>5</sup>, *Karti P. Chidambaram v. Bureau of Immigration*<sup>6</sup>, *Viraj Chetan Shah v. Union of India*<sup>7</sup>, *Bank of Baroda v. Sahil Chugh*<sup>8</sup>, *Rajesh Kumar Mehta v. Union of India*<sup>9</sup>, *Apurve*

---

<sup>4</sup>2026:DHC:3806.

<sup>5</sup>2010 SCC OnLine Del 2699.

<sup>6</sup>2018 SCC OnLine Mad 2229.

<sup>7</sup>2024 SCC OnLine Bom 1195.

<sup>8</sup>2025 SCC OnLine Del 9282.

<sup>9</sup>2024 SCC OnLine Del 4153.



2026:DHC:4375



*Goel v. Bureau of Immigration*<sup>10</sup>, *Brij Bhushan Kathuria v. Union of India*<sup>11</sup>, *Shalini Khanna v. Union of India*<sup>12</sup>, *Puja Chadha v. Directorate of Enforcement*<sup>13</sup>, *Prashant Bothra v. Bureau of Immigration*<sup>14</sup>, *Anant Raj Kannoria v. Union of India &Anr.*<sup>15</sup>, *Maria Ramesh v. Union of India &Ors.*<sup>16</sup>, *Ritwick Dutta v. Union of India &Ors.*<sup>17</sup>. Para. 33 to 38 of *Ritu Singhal* (supra) reads as under:

“33. On a conspectus of constitutional provisions, the regulatory framework, and the entire body of judicial opinion surveyed above, this Court distills the following governing legal principles for the issuance, continuance, and judicial review of Look Out Circulars”

“34. **First**, the right to travel abroad is an integral facet of the fundamental right to life and personal liberty under Article 21 of the Constitution. Any restriction on this right must be founded on law, must follow a procedure that is just, fair, and reasonable, and must not violate any other fundamental right. Executive instructions cannot be a substitute for legislative mandate for the possible restriction of fundamental rights. **Second**, an LOC is a coercive executive measure of last resort. It is not a routine tool for law enforcement or debt recovery. Recourse to an LOC may be taken only in cases involving a cognizable offence under the IPC or other penal laws, where the accused is deliberately evading arrest or not appearing before the trial Court despite NBWs and other coercive measures, and there is a real and proximate likelihood of absconding.

**35. Third, public sector banks, through their Chairman, Managing Directors, or Chief Executive Officers, do not possess legal authority to seek the opening of an LOC. Clause 6(B)(xv) of the 2021 OM (equivalent to Clause 8(b)(xv) of the 2010 OM), which conferred such power upon bank officials, stands quashed by decisions of both this Court and the Bombay High Court.**

[Emphasis Supplied]

**36. Fourth, mere inability to repay a debt, without there being a criminal**

<sup>10</sup>2023: DHC:6886.

<sup>11</sup>2021 SCC OnLine Del 2587.

<sup>12</sup>2024 SCC OnLine Del 837.

<sup>13</sup>2025: DHC:8787.

<sup>14</sup>2023 SCC OnLine Cal 2643.

<sup>15</sup>W.P.(C) 3313/2023 decided on 09.01.2026.

<sup>16</sup>W.P.(C) 15701/2022 decided on 27.01.2026.

<sup>17</sup>W.P.(C) 12862/2023 decided on 02.02.2026.



**case, cannot be a reason to deprive a citizen of the fundamental rights guaranteed under Article 21. The issuance of an LOC cannot be resorted to in every case of bank loan default or credit facility availed for business purposes. Where the person against whom the LOC is opened has not been arrayed as an accused in any offence for misappropriation or siphoning, the LOC cannot be sustained. Fifth, the power under Clause 6(L) of the 2021 OM to issue an LOC in cases detrimental to the “economic interests of India” is to be narrowly construed and must be exercised only in rare and compelling circumstances where the proposed departure poses a clear and grave threat to the national or systemic economic interests of India, not in cases of routine commercial default or individual business failure. The quantum of the alleged default and the nature of the loss must be assessed to determine whether it genuinely imperils the national economic interest.**

[Emphasis Supplied]

37. **Sixth**, the authority charged with opening an LOC must apply its mind independently and cannot act as a mere instrument of the originating agency. There must be a speaking order, based on specific and credible inputs, justifying the necessity of the restraint. A mechanical or pro forma compliance with the originating authority's request cannot satisfy this requirement. **Seventh**, an LOC cannot be issued against a person merely on account of his status as a director, guarantor, shareholder, or family member of a defaulting borrower, in the absence of specific material demonstrating his direct and personal role in the alleged wrongdoing. Guilt is personal and not vicarious in civil or criminal liability.

38. **Eighth**, the continuance of an LOC is not indefinite. It must be periodically reviewed and must be withdrawn when its purpose has been served. Where the subject has cooperated with the investigation, has not evaded process, and where no further interrogation or presence is required, the continued operation of an LOC amounts to an unreasonable and unjustified restriction on personal liberty. **Ninth**, while the High Court, in exercise of writ jurisdiction, is duty-bound to subject LOCs to strict judicial scrutiny, the Writ Court is not the exclusive forum for challenge. A person against whom an LOC has been issued may, in the first instance, approach the originating authority for withdrawal, or approach the trial Court for its rescission or modification. However, where these remedies are inadequate or ineffectual, the writ jurisdiction is clearly available. **Tenth**, the burden of justifying the necessity, proportionality, and legality of an LOC lies squarely upon the originating agency. In the absence of such justification, the LOC cannot be sustained. Courts must not accept bald assertions of security concerns or economic interest without requiring the originating agency to place credible material before the Court.



2026:DHC:4375



8. It is, thus, seen that the purpose of issuance of the LOC, as of now, seems to have been sufficiently served. As the Supreme Court observed in *Maneka Gandhi v. Union of India*,<sup>18</sup> "personal liberty makes for the worth of the human person. Travel makes liberty worthwhile." There is no material against the petitioner to indicate any overt act or non-cooperation, therefore, there is no impediment in setting aside the LOC subject to similar conditions as have been imposed in the case of *Rekha Dixit, Mr. Pankaj Gaur* and *Sunny Gaur*.

9. For the abovementioned reasoning and justification, the LOC issued at the instance SFIO deserves to be set aside under the following terms and conditions:

- (i) The Petitioner shall co-operate with the ongoing and/or future investigations, if any, instituted at the behest of the concerned investigation agency.
- (ii) The Petitioner shall be entitled to travel abroad without any prior permission from this Court. The Petitioner shall, however, intimate the Investigation Officer, with its full itinerary either personally or through counsel, at least 7 days prior to his departure.
- (iii) If, in case of emergency, where intimation cannot be given as aforesaid, the petitioner shall give the requisite intimation atleast 24 hours prior to the travel.
- (iv) If the chargesheet is filed, the Petitioner shall approach the concerned Court and thereafter, shall take the permission for travelling abroad.
- (v) The SFIO shall be at liberty to seek issuance of a fresh LOC in accordance with law, if any supervening circumstances or new material

---

<sup>18</sup>(1978) 1 SCC 248



2026:DHC:4375



warrants such action

10. With these directions, and conditions, the LOC stands set aside.
11. Let the necessary communication be made by the SFIO, to Immigration Bureau.
12. Petition, along with pending applications, stands disposed of.

**PURUSHAINDR KUMAR KAURAV, J**

**MAY 8, 2026**

**p**