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

+ **W.P.(C) 1755/2023 & CM APPL.6711/2023**

KUNWER SACHDEV

..... Petitioner

Through: Mr. Abhimanyu Bhandari, Ms. Neeha Nagpal, Mr. Vishvendra Tomar and Ms. Supriya Julka, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Anurag Ahluwalia CGSC with Tarveen Singh Nanda, GP for R-1 & 2. (M: 98114 18995)

Mr. Rajiv Kapur, Mr. Akshit Kapur, and Mr. Harsh Narwal, Advocates for R-3/SBI (M-9716076533)

Mr. V. K. Gupta and Mr. Sunil Shukla, Advocates for Bank of Maharashtra. (M:9648808084).

Mr. Atula Gularia, SPP, CBI.

Mr. Kush Sharma, Standing Counsel of Bank of Baroda.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **03.03.2023**

1. This hearing has been done through hybrid mode.

CM APPL.6711/2023

2. This is an application filed by the Petitioner - Kunwer Sachdev seeking permission to travel to Dubai from 6th March, 2023 to 11th March, 2023 for attending the **Middle East Energy, 2023** exhibition held in Dubai at the Dubai International Convention & Exhibition Centre.



3. The brief facts of this case are that the Petitioner was the promoter of the company named Su-Kam Power Systems Pvt. Ltd., which admittedly has gone into liquidation.

4. A FIR has been registered against the Petitioner by the CBI in January, 2021 and LOCs have been issued against him at the instance of the State Bank of India, Bank of Baroda and the CBI.

5. Submission of Id. Counsel for the Petitioner is that there are disputes pending before the Debt Recovery Tribunal (DRT), wherein various movable and immovable assets of the Petitioner have already been attached. The immovable properties of the Petitioner which have been attached are stated to be as under:

- (i) Flat No.1625-B, 25th and 26th Floor, The Magnolias, DLF City, Phase-V, Gurgram-122001;
- (ii) Farmhouse admeasuring 5 acres situated at Village Ghamroj, Tehsil Sohna, Gurugram.

6. It is further submitted by the Id. Counsel for the Petitioner that the Petitioner's wife and four children are residing in India and, the Petitioner's wife has an established business in India thus, the Petitioner has strong links to India and does not pose a flight risk.

7. On behalf of the Respondent Banks, it is submitted that the total exposure of the Petitioner is to the tune of Rs.260 crores. The Bank of Maharashtra has filed a petition before the DRT seeking recovery of Rs.4.22 crores and the Bank of Baroda has also sought recovery of Rs.64.86 crores. Other banks are also before the DRT seeking recovery against the Petitioner.

8. The Court has heard the Id. Counsels for the parties and perused the record. As per the present application, the Petitioner's wife runs a power



storage solutions company by the name Su-vastika Systems Private Limited, which provides services of solution for solar power generation and storage. It is the case of the Petitioner that he wishes to travel to Dubai for the Middle East Energy, 2023 exhibition to promote his wife's business.

9. There are various recovery proceedings pending before the concerned tribunal filed by the Banks. In this petition, while considering whether the Petitioner ought to be permitted to travel, the Court is concerned with the fact as to whether the Petitioner would pose a flight risk or not. In view of the fact that the Petitioner's entire family lives in Delhi and also his wife's business is in Delhi, the *prima facie* opinion of the Court is that the Petitioner would not pose a flight risk. Moreover, it is submitted that the Petitioner's family is not travelling with him to Dubai. Accordingly, the Petitioner is permitted to travel abroad subject to the following conditions:

(i) The Petitioner shall furnish a fixed deposit of Rs.5 lakhs with the Registrar General of this Court within next three days. In addition an undertaking shall be filed that the Sovereign Gold Bolts bearing reference no. 2021/25838 (211 grams) valued at Rs. 9,97,397/- and 2020/23964 (500 grams) valued at Rs.23,13,500/-, standing in the name of Ms. Khushboo Sachdev, shall not be liquidated without permission of the Court.

(ii) The Petitioner shall further file an undertaking in the form of an affidavit with the Registrar General of this Court undertaking therein that he shall not dispose of any of the immovable properties attached vide the order dated 8th January, 2021 in O.A. No. 433/2020 passed by the DRT- II, Delhi.



(iii) The petitioner shall file a requisite undertaking in the shape of an affidavit before the Registrar General of this Court that he shall return to the country no later than 11th March, 2023.

(iv) The Petitioner shall furnish a detailed affidavit before the Registrar General of this Court disclosing his detailed itinerary, including his stay at various stations abroad, telephone numbers and residential/hotel addresses. The Petitioner shall also file an undertaking that he shall adhere to the itinerary mentioned in the affidavit and not visit any other stations.

(v) The Petitioner shall provide the contact numbers he will use during the period he stays abroad, and at least one of the said contact numbers shall be kept operational at all times, subject to all exceptions, including the period he is on board the aircraft.

(vi) The Petitioner shall intimate the CBI before leaving and within 72 hours of his return to India.

(vii) The Petitioner shall file a self-attested copy of his passport along with a copy of his visa in the Court on his return to India.

(viii) The permission to travel abroad given in this order shall be subject to other applicable conditions and shall not be deemed as a direction to any other authority.

(ix) In case any of the above conditions are violated, the security will be forfeited to the State.

10. The next date of hearing before the Registrar stands cancelled.



11. List before the Registrar on 6th March, 2023 for furnishing undertakings.
12. List before the Court on 12th July, 2023.

PRATHIBA M. SINGH, J.

MARCH 3, 2023

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