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

+ **W.P.(CRL) 2199/2021**

P.S. GAHLAUT

..... Petitioner

Through: Mr Dayan Krishnan, Sr. Advocate
with Mr Alok Kumar, Mr Kunal
Arora and Ms Raghwi Rawat,
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr Ripu Daman Bhardwaj, CGSC for
R-1.

Mr D. P. Singh, SPP with Mr Manu
Mishra and Ms Shreya Dutt,
Advocates for CBI/R-2.

Mr Zoheb Hossain, Sr. Advocate with
Mr Vivek Ghurnani and Ms Sejal
Aneja, Advocates for ED.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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03.07.2023

CRL.M.A. 16457/2023

1. The present application has been filed by the petitioner seeking suspension of Look Out Circular issued by the respondent nos.2 to 4 and further praying that the petitioner be allowed to travel to Amman, Jordan from 06.07.2023 to 10.07.2023. The petitioner also prays for a direction to the respondents to withdraw the Blue Notice issued against the petitioner.

2. The premise on which the permission to travel has been sought is that the petitioner has to attend the Meeting of the Risk Management Committee Meeting of Jordan Phosphate Mines Company (JPMC) scheduled for 7th



July, 2023 and Board Meeting of JPMC scheduled for 8th July, 2023 at JPMC's office in Amman, Jordan. It is also contended that the applicant, in addition to being Managing Director, Indian Potash Ltd. (IPL) is a Member of Board of Directors of Jordan Phosphate Mines Company (JPMC), one of the largest producers of phosphate. It is also the pleaded case of the applicant / petitioner that IPL has 27.38% equity in JPMC which was purchased in 2018 with prior approval of Reserve Bank of India.

3. Learned senior counsel for the applicant/petitioner submits that on earlier occasions also, the applicant has been granted permission to travel abroad for official purposes and such permission was granted by this Court vide orders dated 04.03.2022, 16.08.2022, 31.10.2022 and 04.05.2023. He further submits that the applicant has been joining investigation as and when required by the investigating agency.

4. The complete itinerary of the applicant for his visit to Amman, Jordan has been given in para 19 of the application, which reads as under:-

Date	From – To	Flight No.
06.07.2023	Delhi – Doha	QR 571
06.07.2023	Doha – Amman	QR 6112
09.07.2023	Amman – Doha	QR 401
10.07.2023	Doha – Delhi	QR 570

5. Reply to the application has been filed by the CBI as well as by the ED.



6. Learned special counsel appearing for the ED and learned SPP appearing for the CBI submits that they cannot comment on the genuineness of the purpose of applicant's visit to the aforesaid countries.

7. However, the learned senior counsel for the applicant / petitioner invites attention of the court to Annexure A-6, which is an invitation letter / notice addressed to the applicant / petitioner to attend the Risk Management Committee Meeting on 07th July, 2023 at 11.00 A.M. at JPMC premises in Amman – Jordan. Similarly, Annexure A-7 is an invitation / notice to the applicant / petitioner to attend Board Meeting of JPMC on 08th July, 2023.

8. To be noted that similar objections were raised by the ED/CBI on earlier occasions when the applicant sought permission to visit Amman, Jordan and other countries; but still this Court granted permission to travel abroad in identical circumstances and suspended the LOC.

9. In view of the above and regard being had to the fact that the applicant was permitted to travel to Jordan and other countries on earlier occasions, he is permitted to travel to Amman, Jordan from 06.07.2023 to 10.07.2023 as per the itinerary in para 4 hereinabove, subject to the following conditions:

- a) The petitioner shall furnish Demand Draft of Rs.50.00 lacs with two sureties in the like amount, one of which shall be by IPL;
- b) The petitioner shall not exit immigration at the transit points;
- c) The petitioner shall not visit any destination other than Amman, Jordan from 06.07.2023 to 10.07.2023;
- d) The petitioner shall take return flight to India as per itinerary mentioned in para 4 above and provide the details of his



departure/arrival to the concerned officials of respondent Nos.2 and 3 in advance;

e) On his return to India, the petitioner shall file his affidavit stating the outcome and achievements of his visit before this Court as well as before the Department of Fertilizers;

f) The petitioner shall furnish his mobile number at the time of furnishing of surety, which he undertakes to keep operational at all times during the period of his visits;

g) Upon his return to India, the petitioner shall furnish copy of his passport to the concerned officials of respondent Nos.2 and 3, as a proof of compliance of the conditions to not travel to any place other than Amman, Jordan on the aforementioned dates.

10. At this stage the learned senior counsel for the petitioner submits there may be a blue corner notice issued against the petitioner herein which may cause inconvenience to him at the airport(s). It is clarified that the alleged blue corner notice, if any issued, will not come in the way of the petitioner's visits to Amman, Jordan, on the abovementioned dates.

11. The Bureau of Immigration shall be apprised of this order by the respondents.

12. The learned senior counsel for petitioner submits that three Demand Drafts of Rs.50 lacs each were deposited by the petitioner pursuant to order dated 04.05.2023 passed by this court, while granting permission to the petitioner to travel to Amman, Jordan and Prague, Czech Republic and the said Demand Drafts are still valid till 03.08.2023.

13. List the matter before the Joint Registrar for verification on 04.07.2023 at 2:30 PM, which may be done expeditiously within one day,



regard being had to the fact that the petitioner has to leave for Jordan on 06.07.2023.

14. Order *dasti* under signatures of the Court Master.

JULY 3, 2023/MK

VIKAS MAHAJAN, J