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

Date of decision: 13th December, 2022

+ **W.P.(C) 13057/2022 & CM APPLs. 42525/2022, 49658/2022**

PAWANJOT KAUR SAWHNEY Petitioner

Through: Mr. Saurabh Kirpal, Sr. Advocate
with Mr. Gaurav Varma, Mr. Rasveen
Kaur Kapoor and Ms. Shruti, Advs.
With Mr. Himanshu Kohili.

versus

BUREAU OF IMMIGRATION & ANR. Respondent

Through: Mr. Anil Soni, CGSC with Mr. Gokul
Sharma, G.P. for UOI.
(M:9045885304)
Mr. Anurag Ahluwalia, CGSC with
Mr. Mr. Kaushal Kait & Mr. Shivam
Tiwary, Advocates(M:9811418995,
8826553426)

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AND

+ **W.P.(C) 14757/2022 & CM APPLs. 45379/2022, 49659/2022**

PAWANJOT KAUR SAWHNEY Petitioner

Through: Mr. Saurabh Kirpal, Sr. Advocate
with Mr. Gaurav Varma, Mr. Rasveen
Kaur Kapoor and Ms. Shruti, Advs.
With Mr. Himanshu Kohili.

versus

BUREAU OF IMMIGRATION & ORS. Respondents

Through: Mr. Anil Soni, CGSC with Mr. Gokul
Sharma, G.P. for UOI.
Mr. Anurag Ahluwalia, CGSC with
Mr. Mr. Kaushal Kait & Mr. Shivam
Tiwary, Advocates for R-3

**CORAM:
JUSTICE PRATHIBA M. SINGH**

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. **CM APPL. 45379/ 2020** has been filed on behalf of the Petitioner - Pawanjot Kaur Sawhney seeking stay of the operation of the Look Out Circular (LOC) dated 13th June 2022 issued by the Serious Fraud Investigation Office (SFIO).
3. **CM APPL. 42525/2022** has been filed on behalf of the Petitioner seeking permission to travel outside India to U.K. for medical reasons.
4. These writ petitions have been filed on behalf of the Petitioner seeking quashing of the LOC issued by the SFIO and issuance of writ/direction to Respondents for furnishing the reasons for denying permission to the Petitioner to travel outside India.
5. The aforementioned applications were considered by the predecessor Bench of this Court and vide order dated 9th November, 2022 the following directions were issued:

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6. In view of the aforesaid facts, this Court is of the considered opinion that the petitioner is entitled to be granted permission to travel in the interim subject to her providing all details with respect to bank account that may be maintained and operated by her in India as well as any other foreign jurisdiction within a period of one week from today. The petitioner shall also designate an authorized representative who shall duly appear before the SFIO and attend to all summons that may be issued in the course of investigation. Additionally, the petitioner shall file an undertaking that she will render all cooperation and assistance in the investigation and

hand over all records or other material which may be in her possession.

7. Subject to the aforesaid compliances being affected within a period of one week from today the petition may be called again on 28.11.2022, to review progress as also for considering the passing of orders permitting the petitioner to travel in the interim notwithstanding the existence of the LOC which stands impugned.”

6. On the last date of hearing, vide order dated 28th November 2022 this Court sought status report from the Petitioner, in respect of the compliance of the conditions laid down in paragraph 6 of the aforementioned order dated 9th November, 2022. Report was also sought from the Respondent. The conditions that were to be satisfied in order for the Petitioner to be permitted to travel abroad are as follows:

(i) Providing all details in respect to bank accounts that may be maintained by her in India as well as any other jurisdiction within a period of one week.

(ii) Authorised Representative shall appear before the SFIO and attend to the summons to be issued in the course of investigation.

(iii) Undertaking that she would render cooperation and assistance in investigation and handing over of records or materials which may be under her possession.

7. Today, the Court has partly heard the submissions on the application seeking permission to travel abroad. With respect to the aforementioned conditions, the Court observes as under:

I. Providing all details in respect to bank accounts that may be maintained by her in India as well as any other jurisdiction within a

period of one week

8. Insofar as this condition is concerned the Petitioner's stand in its status report is that the bank account details which were sought by the Respondents have been submitted by the Petitioner for a period of two years.

9. The Petitioner has refused to provide bank account statements of her own bank accounts beyond the two year period on the ground that bank account statements pertaining to the period beyond 2 years cannot be fetched online and can only be obtained by her after submitting a request upon physically visiting the concerned branch of the Bank.

10. In today's day and age, it is unbelievable for the Court to accept that banks would not issue bank account statements unless the Petitioner visits the bank personally. Most banking now-a-days is conducted online and clearly there has been non-cooperation by the Petitioner as the bank account statements beyond the 2 years period are not being provided.

II. Authorised Representative shall appear before the SFIO and attend to the summons to be issued in the course of investigation.

11. Insofar as this condition is concerned, the authorised representative who has been appointed on behalf of the Petitioner is one Mr. Himanshu Kohli, a Company Secretary (CS) who only qualified as a CS in 2020. He is present in Court today and upon being queried by the Court he submits that he has not met the Petitioner and has been engaged recently by the Id. Counsel for the Petitioner. The Court at this stage is not satisfied with the authorised representative as he does not seem to have any knowledge of the Petitioner or her family dealings in order to extend any cooperation to the SFIO. The court clearly gets the impression that a novice has been simply engaged for showing compliance, which is merely lip service, considering

the amount of public money obtained from the banks, that is alleged to have been siphoned off.

III. Undertaking that she would render cooperation and assistance in investigation and handing over of records or materials which may be under her possession.

12. This condition is a broad condition which the Court has imposed in order to ensure that all the required documents and details would be supplied by the Petitioner to the Respondents during the course of its investigation.

13. Ld. Counsel for the Respondent submits that the matter involves investigation involving a sum of Rs.738 Crores in respect of four Indian Banks and two foreign banks. The said investigation involves the companies - Net4 India Ltd., Net4 Network Services Ltd., Pitetel Communications Pvt. Ltd. and Trak Online Net India Pvt. Ltd. The said companies are all family run companies which were being operated and run by the Petitioner, her husband and her son. The investigation does not extend only to the Petitioner but also extends to all the four companies. It is further submitted that the husband of the Petitioner has passed away in 2017 and the Petitioner's son is a resident of the UK.

14. It is noted by the Court that the Petitioner had agreed to extend her cooperation in the investigation, however, as per her statements which have been placed on record, which have been shown to the Court, she claims to have no knowledge of the businesses of the aforementioned companies. Her husband having passed away, the records and other details of the companies are obviously with the Petitioner and her son.

15. On being queried by the Court, the Ld. Counsel for the Petitioner is unwilling to disclose the whereabouts of the Petitioner's son, where is he

engaged currently and what kind of business he is involved in. Moreover, as per the statements on record, the Petitioner is refusing to provide bank account statements of her own bank accounts beyond the two year period.

Conclusion

16. As per the facts of this matter as also the statements made by the Petitioner to the authorities, it is clear that there is non-cooperation by the Petitioner. Under these circumstances, at this stage, the Court is not inclined to let the Petitioner travel abroad. However, over the next two months, if the Petitioner fully cooperates with the SFIO, the Court is willing to reconsider the issue.

17. Accordingly, list this matter on 20th March, 2023.

DECEMBER 13, 2022

dj/kt

**PRATHIBA M. SINGH
JUDGE**

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