

Preet Kaur And Anr vs Bureau Of Immigration And Others on 23 May, 2023

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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IN THE HIGH COURT OF DELHI AT NEW
W.P.(C) 11139/2022 & CM APPL. 3271
1645/2023, 8740/2023, 26258/2023,
PREET KAUR AND ANR

Through: Ms. Reb
Advoc
Kusha
and M
97117

versus

BUREAU OF IMMIGRATION AND OTHERS .

Through: Mr. Jay
Ekta
Dwive
R-1.

CORAM:
JUSTICE PRATHIBA M. SINGH
ORDER

% 23.05.2023

1. This hearing has been done through hybrid mode. CM APPL. 26259/2023 (for exemption)
2. Allowed, subject to all just exceptions. Application is disposed of. CM APPL. 8740/2023(for additional documents)
3. This is an application to bring on record additional documents.
4. Subject to the objections of the Respondents, additional documents are taken on record. Application is disposed of.

CM APPL26258/2023 (for permission to travel abroad)

5. The main matter is already listed before this Court on 11th July, 2023.

6. The present application being CM APPL. 26258/2023 has been filed by the Petitioners seeking permission to travel abroad to London, United Kingdom from 24th May, 2023 to 22nd June, 2023 to participate in a business This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 24/09/2023 at 23:36:03 meeting with one M/s Eurosonic Group. The invitation of M/s Eurosonic Group with whom the meeting is scheduled in London has also been placed on record. It is submitted on behalf of the Petitioners that they shall file a revised itinerary for travel from 31st May, 2023 to 3rd July, 2023.

7. Mr. Jay Saavla, Id. Senior Counsel for the Respondents submits that the exposure of the Respondent No.2 - Union Bank of India is more than Rs.75 crores. Further, in terms of the counter affidavits filed by the Respondent No.2, a forensic audit has revealed that a sum of Rs.114 Crores has been diverted to other banks and has been siphoned off by the Petitioners. It is submitted that this averment has not been responded to by the Petitioners and no rejoinder has been filed. He submits that the present application does not inspire confidence and similar requests have been rejected by this Court on 5th August, 2022 and 21st April, 2023.

8. The submission of Ms. Rebecca John, Id. Senior counsel appearing for the Petitioner is that in the past, no security was offered by the Petitioners thus, the permission to travel abroad was rejected. However, in the present application three immovable properties are being offered as securities. The same are as under:

(i) Residential property H.No.79 First Floor, Paschimi Marg Vasant Vihar, Delhi-110057 - the market value of the property is Rs.32 crores but a mortgage with State Bank of India qua the same is to the tune of Rs.12 crores. Further, the Petitioner No.1's father - Mr. Dukhbhanjan Singh is willing to offer two further properties, which are as follows: as set out in paragraph 10(3a) of the application.

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(ii) Property No. 16/8635, Gaushala Marg, New Rohtak, New Delhi-110005 - the said property was previously mortgaged with Aditya Birla Finance Limited and a term loan facility to the tune of Rs. 6,40,00,000 (Six Crore Forty Lacs) was granted to World Business Solutions Private Limited. The same stands cleared as on date and the said property has been released to the rightful owner.

(iii) Shop LG-04, Ground Floor, Center Stage Mall, Noida - the said property was previously mortgaged with State Bank of India and a loan facility to the tune of Rs. 1,50,00,000 (One Crore Fifty Lacs) was sanctioned. The same stands cleared as on date and the said property has been released to the owner.

9. Id. Senior Counsel for the Petitioners further submits that the Union Bank of India has already taken possession of two properties of the Petitioners. One of the said properties is in DLF Qutab Enclave Complex, Chakkarpur, Tehsil - Sikanderpur Ghosi, District - Gurgaon from which Rs.5.42 Crores have been released. The second property is a leasehold residential accommodation in East

Patel Nagar, New Delhi-110008 the value of which is more than Rs.10 Crores.

10. After having considered the overall facts and circumstances, this Court notes that the total value of the properties which are already in possession of the Union Bank of India are to the tune of Rs.16 crores. Even going by the total exposure of the bank, the properties which are currently being offered are sufficient to be held as security in order to permit the Petitioners to travel abroad. The Petitioners are also having close family ties in India as the Petitioner No.1's parents live in India. The Petitioners are, This is a digitally signed order.

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(i) The Petitioners shall not transfer, alienate or create any third party interest except the SBI home loan mortgage which is already created in respect of the property being H. No.79 First Floor Paschimi Marg Vasant Vihar, Delhi-110057.

(ii) In addition, the Petitioners shall deposit the original title deeds of the properties being:

(a)

(b)

along with the Petitioner No. 1's father's affidavit stating that in case the Petitioners do not return to India the aforesaid properties shall be forfeited to the Union Bank of India. No third party rights shall be created in the above two properties as well.

(iii) The Petitioners shall furnish a detailed affidavit disclosing their revised itinerary with updated dates for travel. The affidavit shall also contain details about their stay at various stations abroad, telephone numbers and residential/hotel addresses. The Petitioners shall also file an undertaking that they shall adhere to the itinerary mentioned in the affidavit and not visit any other stations.

(iv) The Petitioners shall provide the contact numbers they shall use during the period they stay abroad, and at least one of the said This is a digitally signed order.

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(v) The Petitioners shall intimate the Court before leaving and within 72 hours of return from abroad.

(vi) The Petitioners shall file self-attested copies of their passports along with a copy of their visa with the Bank, on their return to India.

(vii) 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.

(viii) In case any of the above conditions are violated, the security other than the properties mentioned in point (ii) shall be liable to be forfeited.

11. The Respondent No.2 shall inform the Bureau of Immigration of today's order and there shall be no objection on the Petitioner from the Bureau of Immigration for the period 31st May, 2023 to 3rd July, 2023.

12. Except CM APPL. 32712/2022, all application i.e. CM APPLs.54686/2022 & 1645/2023 are disposed of.

W.P.(C) 11139/2022 & CM APPL. 32712/2022

13. List before Registrar on 25th May, 2023.

14. List before Court on 11th July, 2023.

15. A copy of this order be given dasti under the signature of Court Master.

PRATHIBA M. SINGH, J.

MAY 23, 2023/dj/kt This is a digitally signed order.

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