



2026:DHC:1261



\$~J

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Judgment pronounced on: 13.02.2026

+

W.P.(C) 9509/2021 & CM APPL.29494/2021

SHRAVAN GUPTA

..... Petitioner

Through: Mr. Tanveer Ahmed Mir,
Sr. Advocate along with Mr.
Yudhishter Singh, Mr. Prabhav Ralli,
Mr. Saud Khan, Mr. Dev Vrat Arya
and Mr. Pulkit Shree, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Anubha Bhardwaj, CGSC and
Mr. Anany Shamshary, Advocate for
UOI.
Mr. Zoheb Hossain, Spl. Counsel
along with Mr. Vivek Gurnani, Panel
Counsel, Mr. Kartik Sabharwal and
Mr. Chinmay Anand, Advocates for
DOE.

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****JUDGMENT**

1. The petitioner has filed the present petition, *inter alia*, assailing the order/communication dated 03.08.2021 passed by the respondent no.3 under Section 10(3)(b) of the Passports Act, 1967, whereby the petitioner's passport has been revoked.
2. The Show Cause Notices (SCNs) dated 16.03.2021 and 20.07.2021, leading up to the issuance of the said order/communication dated 03.08.2021, have also been assailed.
3. The present matter has a chequered history.
4. The petitioner was summoned for the first time by the Enforcement



2026:DHC:1261



Directorate (ED) on 02.05.2016 pursuant to ECIR No. DLZO/15/2014/AD(VM), registered on 03.07.2014.

5. However, the petitioner failed to appear in pursuance of the subsequent summons issued by the ED. Consequently, the ED approached the Trial Court and obtained a Non Bailable Warrant (NBW) against the petitioner vide order dated 29.08.2020, passed by the learned Special Judge (CBI-10), Rouse Avenue Courts.

6. The petitioner's application seeking recall of the NBW was dismissed by the concerned Court on 05.12.2020. Thereafter, the petitioner filed CRL.M.C. No. 449/2021, which also came to be dismissed vide judgment/order dated 04.11.2025.

7. In the meantime, a Show Cause Notice (SCN) dated 16.03.2021 was issued to the petitioner by the Senior Superintendent (Policy), Regional Passport Office, Delhi, calling upon the petitioner to show cause as to why his passport should not be revoked/impounded. An elaborate reply dated 31.03.2021 was submitted by the petitioner (through counsel) thereto.

8. Subsequently, W.P.(C) 4689/2021 was filed by the petitioner, whereupon this Court passed the following order dated 15.04.2021:

- “1. This hearing has been done through video conferencing.*
- 2. The Petitioner has preferred the present petition challenging the impugned show cause notice dated 16th March, 2021, issued by the Regional Passport Office, Delhi (hereinafter, 'RPO ') of Respondent No. 1.*
- 3. After some hearing, Mr. Tanveer Ahmed, ld. Counsel appearing for the Petitioner seeks permission to withdraw the present petition. He, however, prays that since the Petitioner is currently located in London, UK, he may be permitted to join through video conferencing in the proceedings pursuant to the show cause notice dated 16th March, 2021.*
- 4. Mr. Chetan Sharma, ld. ASG submits that that no decision has been taken in the matter as yet, as the officer concerned has been detected*



to be COVID-19 positive. However, it submitted that there would be no difficulty in permitting the Petitioner to appear through video conferencing in the said proceedings. Accordingly, it is directed that the proceedings pursuant to the show cause notice dated 16th March, 2021 shall continue before the RPO. It is confirmed by the ld. Counsel for the Respondents.

5. Accordingly, the Petitioner is permitted to file a detailed reply to the show cause notice dated 16th March, 2021. If any hearing is to be held, the Petitioner is permitted to join through video conferencing. The Petitioner's remedies, if any, against any decision that may be taken by RPO pursuant to the show cause notice, are left open to be availed of in accordance with law.

6. The petition, along with all pending applications, are disposed of in these terms."

9. Subsequently, another SCN dated 20.07.2021 was issued to the petitioner, whereupon the petitioner once again filed W.P.(C) 7997/2021. However, before the said writ petition could be taken up for hearing, the petitioner's passport was revoked vide the impugned order dated 03.08.2021 under Section 10(3)(b) of the Passports Act, 1967.

10. Consequently, this Court, vide order dated 10.08.2021, disposed of W.P.(C) 7997/2021, granting liberty to the petitioner to challenge the order dated 03.08.2021.

11. Learned senior counsel for the petitioner submits that the impugned order has been passed in disregard of the directions contained in the aforesaid order dated 15.04.2021 passed by this Court, in terms of which it was incumbent upon the respondent to provide the petitioner an opportunity of hearing through videoconferencing.

12. It is further submitted that the impugned order reflects no consideration of the petitioner's reply dated 31.03.2021 to the SCN dated 16.03.2021.

13. Learned counsel for the respondent submits that pursuant to the order



dated 15.04.2021, no specific request seeking a hearing through video conferencing was made by the petitioner. It is further emphasized that the petitioner has a consistent track record of attempting to evade the due process of law.

14. It is pointed out that in view thereof, NBWs were also issued against the petitioner, and the various attempts made by the petitioner seeking cancellation of the said warrants have not been entertained by the Court.

15. It is further emphasized that the petitioner is at liberty to apply for an emergency certificate from the nearest Indian Embassy to enable his return to India and to participate in the investigation. It is submitted that in the event of the petitioner doing so, the petitioner can also pursue the possibility of reinstatement / re-issuance of his passport in terms of GSR 570(E) dated 25.08.1993.

16. Learned counsel for the ED has emphasized the gravity of the offences in which the petitioner is allegedly involved. It is submitted that the petitioner is in receipt of proceeds of crime to a substantial extent and has failed to appear to join the investigation. It is vehemently urged that the petitioner's assertions/justifications regarding his alleged inability to travel to India are all untenable and unjustified.

FINDINGS

17. At the outset, it is noticed that the impugned order has been passed under Section 10(3)(b) of the Passports Act, 1967.

18. It is noticed that the petitioner has the remedy of filing a statutory appeal against the said order, as provided under Section 11 of the Passports Act.

19. Learned counsel for the respondent is right in contending that given



that the statute itself provides for an efficacious appellate remedy, the petitioner ought to avail the same, especially considering that intricate factual aspects have been sought to be urged by the petitioner.

20. The Supreme Court has reiterated in a series of cases that though existence of alternate remedy is not an inflexible bar, the threshold requirement/s for entertaining a petition under Article 226 despite existence of alternate remedy, is much higher. Moreover, where intricate factual aspects are involved, such as in the present case, it would be apposite to relegate the party/ies to the Appellate Authority.

21. The respondent/s has also relied upon the view reiterated by the Rajasthan High Court in ***Mohammad Yasir v. Union of India & Ors***, S.B. Civil Writ Petition No. 10228/2025, wherein, the Court has observed as under –

“6. Section 11 of the Passports Act, 1967 provides for an appeal. The impugned order of impounding or the passport is an appealable order. Since there is an effective alternative remedy, this Court is not inclined to entertain the present writ petition and also not inclined to go into the merits of this case.”

22. In the circumstances, the present petition is disposed of by relegating the petitioner to avail of the prescribed appellate remedy as provided under Section 11 of the Passports Act, 1967.

23. Needless to say, the petitioner shall be entitled to take all relevant pleas, both legal and factual in the statutory appeal.

24. The same shall necessarily be considered by the Appellate Authority in accordance with law and an appropriate order shall be passed.

25. In the event the petitioner remains aggrieved by the decision of the Appellate Authority, it shall be open to the petitioner to pursue appropriate



2026:DHC:1261



remedies.

26. The petition stands disposed of in the above terms. Pending application also stand disposed of.

FEBRUARY 13, 2026/cl

SACHIN DATTA, J