

(2024) 03 BOM CK 0051

In the Bombay High Court

Case No : Interim Application (L) No. 8659 Of 2024 In Writ Petition (L) No. 7310 Of 2022

Anil D. Agarwal

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 15-03-2024

Acts Referred:

Citation : (2024) 03 BOM CK 0051

Hon'ble Judges : B. P. Colabawalla, J; Somasekhar Sundaresan, J

Bench : Division Bench

Advocate : Aarti Jumai, Gauri Joshi, Ganesh, Y. S. Bhate, D. P. Singh, Jamshed Ansari, Uma Palsule Desai

Final Decision : Disposed Of

Judgement

1. The above Interim Application is filed seeking permission to travel to Singapore, London, Singapore, Dubai and thereafter again to Singapore from 16th March, 2024 to 27th May, 2024, as more particularly set out hereinbelow:

Sr. No

Date

Desitnation

1

16th March, 2024 to 25th March, 2024

Singapore

2

3rd April, 2024 to 26th April, 2024

London

3

5th May, 2024 to 15th May, 2024

Singapore

4

15th May, 2024 to 23rd May, 2024

Dubai

5

24th May, 2024 to 27th May, 2024

Singapore

2. The above Interim Application is necessitated because a Look Out Circular [LOC] has been issued against the Applicant/Petitioner at the instance of Union Bank of India, and which LOC is also assailed in the above Writ Petition.

3. We have heard the learned Counsel appearing for the Applicant/Petitioner as well as the learned Counsel appearing for Union Bank of India. Considering that the Applicant/Petitioner has been permitted to travel abroad on several previous occasions, and he has returned back to India without breaching any of the terms and conditions imposed upon him, we are of the opinion that the Applicant/Petitioner can be permitted to travel to the destinations and on the dates referred to earlier, subject to the following terms and conditions:-

a) The Applicant/Petitioner shall file an undertaking stating that he shall strictly abide by the itinerary for the above travel more particularly mentioned in the Exhibits B, C and D to the above Interim Application. This undertaking shall also state that the Applicant/Petitioner shall return back to India on each of the dates mentioned above.

b) The Applicant/Petitioner shall also file an undertaking not to apply for renewal or extension of this order until he finally returns back to India on 27th May, 2024.

c) Both the aforesaid undertakings shall be served on the Advocates for Union Bank of India before the date of departure.

d) Within one week of finally returning to India, namely, within one week from 27th May, 2024, the Applicant/Petitioner shall file a separate affidavit setting out the expenses incurred by him during the above travel and the source/s of income used for funding the said expenses with necessary proof. This affidavit shall also be served on the Advocates for Union Bank of India within a period of one week from 27th May, 2024.

4. Subject to the above conditions, the Look Out Circular issued at the instance of Union Bank of India against the Applicant/Petitioner is suspended upto 28th May, 2024. Though the LOC is suspended until 28th May, 2024, the Applicant/

Petitioner shall be permitted to travel only as per the itinerary more particularly set out in Exhibits B, C and D of the above Interim Application and only to the destinations and on the dates mentioned above.

5. It is clarified that this order does not apply to any other Look Out Circular and/or restraint order, if issued by any other Authority/Court/Agency/Bank.

6. The Immigration Authorities at all ports of departure, including all airports, will permit the Applicant/Petitioner passage and allow him to take his flights out of the country irrespective of whether Union Bank of India has notified the Authorities about the said suspension or not and irrespective of whether this suspension is noted in the Immigration Authorities' system or otherwise.

7. The Immigration Authorities shall not insist upon a certified copy of this order but will act on the presentation of an authenticated or digitally signed copy of this order.

8. The above Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.