

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 11377 of 2015 (V)

PETITIONER(S) :

**M.SALIM, AGED 27 YEARS,
S/O.IBRAHIM, MANGATTU HOUSE, VILLIAPPILLI P.O.,
KOZHIKODE DISTRICT- 673 542.**

**BY SRI.M.RAMESH CHANDER (SENIOR ADVOCATE)
ADVS. SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE**

RESPONDENT(S) :

- 1. UNION OF INDIA,
REPRESENTED BY SECRETARY TO MINISTRY OF FINANCE,
GOVERNMENT OF INDIA, NEW DELHI- 110 001.**
- 2. APPELLATE TRIBUNAL FOR FOREIGN EXCHANGE,
15TH FLOOR, HINDUSTAN TIMES HOUSE, K.G.MARG,
CONNAUGHT PLACE, NEW DELHI- 110 001.**
- 3. JOINT DIRECTORATE OF ENFORCEMENT,
FOREIGN EXCHANGE MANAGEMENT ACT, GOVERNMENT OF INDIA,
KANOOS CASTLE, MULLASSERY CANAL ROAD WEST,
COCHIN- 682 011.**

**BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
ADV. SRI.M.RAJENDRA KUMAR, CGC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: PHOTOSTAT COPY OF THE SHOW CAUSE NOTICE ISSUED BY
THE DIRECTORATE OF ENFORCEMENT DATED 09.11.2009 TO
THE PETITIONER.**
- P2: PHOTOSTAT COPY OF THE COMPLAINT BEFORE THE SPECIAL
DIRECTOR OF ENFORCEMENT, NEW DELHI ON 11.09.2009.**
- P3: PHOTOSTAT COPY OF THE REPLY TO THE SHOW CAUSE NOTICE.**
- P4: PHOTOSTAT COPY OF THE ADJUDICATION ORDER DATED 25.04.2014.**
- P5: PHOTOSTAT COPY OF THE MEMORANDUM OF APPEAL WITHOUT
ANNEXURES FILED BEFORE THE 2ND RESPONDENT**
- P6: PHOTOSTAT COPY OF THE AFFIDAVIT SEEKING FOR WAIVER OF
PRE-DEPOSIT PENALTY AMOUNT DATED 19.09.2014 ALONG WITH
THE PETITION.**
- P7: PHOTOSTAT COPY OF THE ORDER OF THE 2ND RESPONDENT
DATED 23.03.2015 IN APPEAL NO.31/2014.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.

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W.P.(C) No.11377 of 2015 - V

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Dated this the 23rd day of June, 2015

J U D G M E N T

The petitioner was aggrieved with Ext.P7 order. The petitioner on appeal filed was required to make the pre-deposit in accordance with the statue being Rs.25,00,000/- each as against two separate orders which were challenged in appeal. The appellate authority on a waiver application passed Ext.P7 order directing remittance of 10% and the balance to be secured by a Bank Guarantee. The petitioner was before this Court challenging that order. The petitioner was directed by this Court to pay Rs.10,00,000/- and the appellate authority was directed to consider the appeal itself. However, the petitioner has not deposited even the amounts directed by this Court. If the petitioner satisfies the conditions in Ext.P7 within one month

W.P.(C) No.11377 of 2015 - V

from today, the appeal shall be heard and disposed of in accordance with law.

In such circumstance, nothing survives in the writ petition and the writ petition would stand closed, with the above reservation.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.