IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FERA APPEAL NO. 22 OF 2008

A. G. Merchant	}	Appellant
versus		
The Special Director	}	
Enforcement Directorate	}	Respondent

WITH

FERA APPEAL NO. 23 OF 2008

M/s. Trader Wings Ltd.	}	Appellant
versus		
The Special Director	}	
enforcement Directorate	}	Respondent

WITH

FERA APPEAL NO. 54 OF 2008

Trade Wings Ltd. and Ors.	}	Appellants
versus		
Special Director of	}	
Enforcement Directorate	}	
of Enforcement	}	Respondent

Mr. L. S. Shetty with Mr. M. M. Nair i/b.M/s. L. S. Shetty and Associates for the appellants.

Mr. R. V. Desai – Senior Advocate with Mr. Rajinder Kumar for the respondent in FERA Appeal Nos. 22 and 23 of 2008.

Mr. A. J. Rana – Senior Advocate with Mr. M. S. Bharadwaj, Ms. S. V. Bharucha and Mr. N. R. Prajapati for the respondent in FEAR Appeal No. 54 of 2008.

CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.

DATED :- FEBRUARY 1, 2017

P.C. :-

1. All these appeals were admitted and pending for hearing and final disposal. The questions of law, on which the appeals were admitted are formulated at pages 3 to 5 of the paper book in FERA Appeal No. 22 of 2008.

2. At the hearing of these appeals, Mr. Shetty appearing for the appellants relied upon a judgment of the Hon'ble Supreme Court of India in the case of *Tulip Star Hotels Limited vs. Special Director of Enforcement*[1]

3. Following this judgment in identical circumstances and on same questions, this court passed an order in FERA Appeal No. 11 of 2011 together with FERA Appeal No. 16 of 2011 on 30th June, 2014.

4. Upon perusal of both the judgments and they being brought to the notice of the respondent Enforcement Directorate, it is conceded that the core issue stands answered against the Directorate and in favour of the appellants. In these circumstances, each of these appeals are allowed. Following the

1 (2014) 5 SCC 162

same judgments, we also proceed to quash and set aside the orders passed by the appellate tribunal and impugned in these appeals. There would be no order as to costs.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)