

Sharayu

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 4432 OF 2002

IN

FERA APPEAL NO. 37 OF 2007

Shri. Suresh Kabra

...Applicant

Versus

**The Chairman, Foreign Exchange
Regulation & Anr.**

...Respondents

Mr. Aniket Mokashi, i/b M/s. Haresh Mehta & Co., for the Applicant.

Mr. Rui A. Rodrigues, a/w Mr. D.P. Singh, for the Respondents No. 1 & 2.

**CORAM : ABHAY S. OKA & AND
RIYAZ I. CHAGLA, JJ.**

DATE : 13 September 2017

ORDER :

1. Heard the learned Counsel appearing for the

Applicant and the learned Counsel appearing for the Respondents.

2. The only prayer made in this Application is for stay of the impugned order dated 23 October 2001 passed by the Foreign Exchange Regulation Appellate Board. By the impugned order, the Chairperson of the Appellate Tribunal has dismissed the Appeal preferred by the Applicant/Appellant. Hence, there is no question of staying the order of dismissal of the Appeal passed by the Appellate Board.

3. Hence, the Application is rejected.

4. We, however, make it clear that if the Applicant deposits the penalty amount or if the penalty is recovered by the Respondent on the basis of the impugned order, the same will be subject to final outcome of the Appeal. Accordingly, the Appeal shall be placed on appropriate cause list.

5. In the order dated 23 August 2017, there is a

typographical error. The title shall be corrected by showing that this Application is filed in “*FERA Appeal No. 37 of 2007*”.

6. Correction shall be carried out in the original order, as well as the order is uploaded in the Civil Application.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]