

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION (L) NO.1922 OF 2018

Vinod Garg	...	...Petitioner
v/s.		
ICICI Bank Ltd.		...Respondent

...

Mr.Pankaj Uttaradhi for the Petitioner.
None for the Respondent.

...

CORAM : A.A. SAYED &
V.L.ACHLIYA, JJ.

DATED : 12 JUNE 2018

P.C.:

Learned Counsel for the Petitioner states that the Respondent-Bank has been served and Affidavit of Service shall be filed during the course of the day.

2. This Petition has been filed to permit the Petitioner to travel to London from 14 June 2018 to 25 June 2018. The OA No.685 of 2016 filed by the Bank is pending before the DRT, wherein the Petitioner is arraigned as Respondent No.5. An Ad-interim order dated 15 June 2016 was passed by DRT in the following terms:

“ORDER

1. The Defendant Nos.1 to 7 not to transfer, alienate and/or create any third party interest and/or part with possession in respect of properties which is described in “Exhibit A & B (at page No.16&17)”

to the application until further order.

2. The Defendant Nos.1 to 7 to disclose their immovable and movable assets and all receivable to Defendant No.1 from third parties and also investments made by Defendant No.1 in its subsidiaries/joint ventures/associates on oath within 30 days from the date of communication of this order.

3. The Defendant Nos.2 to 7 not to leave India without the proper permission of this Tribunal until further order.

4. Ms.Rekha Subramaniam and Ms.Trupti Shah, are hereby appointed as Commissioners to take inventory on hypothecated properties as described in Exh.B (at page No.17) to the application and to submit the report before Tribunal. If required the Commissioners can take the help of police.

5. Issue notice to the Defendants as to why ex-parte ad-interim relief granted should not be confirmed and other interim reliefs like appointing of receiver etc. claimed by Applicant why should not be granted.

6. The matter be placed before Ld.Registrar on 05-10-2016.”

3. Learned Counsel for the Petitioner submitted that an Application was moved before the DRT to permit the Petitioner to travel to London as prayed in the Petition and the matter was listed before the DRT on 25 May 2018 and was adjourned to 12 June 2018. It is pointed out, however, that

the DRT is presently not functioning as a fire broke out in the building wherein the DRT is housed and therefore, the Petitioner is required to move this Court.

4. It is noticed that earlier also atleast on three occasions the Petitioner has been allowed to travel abroad by the DRT. The said orders are annexed to the Petition. The Petitioner has also annexed a copy of Airline Ticket to the Petition.

5. Considering the facts and circumstances of the case and particularly since the petitioner has been earlier permitted to travel abroad by the DRT and the Petitioner has thereafter reported back to the Registrar of the DRT and has complied with the Undertaking, we allow the Petition in terms of prayer clause (a), which reads as follows:

“(a) That this Hon'ble Court be pleased to permit the Petitioner to travel to London from 14th June 2018 to 25th June 2018 in view of the aforesaid circumstances;”

This would be subject to the Petitioner filing an Undertaking in this Court by tomorrow i.e. 13 June 2018 that he will return to India as scheduled on 25 June 2018 and he shall report to the Registrar of DRT on his return to India.

6. The Petition is disposed of in the aforesaid terms.

(V.L.ACHLIYA,J.)

(A.A.SAYED, J.)