

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (L) NO.4253 OF 2018**

Pacific Cyber Technoloy Pvt. Ltd. & Ors. .... Petitioners

versus

Foreigners Registration Officer & Ors. ... Respondents

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- Mr.P.Dhakephalkar, Senior Counsel, a/w Mr.Nausher Kohli, a/w Pratik Thakkar, Raveena Dhawan i/b. DSK Legal, Advocate for Petitioners.
- Mr.Shrishailya S. Deshmukh, Advocate for Respondent Nos.1 and 2.

**CORAM : B. P. DHARMADHIKARI &  
SARANG V. KOTWAL, JJ.**

**DATE : 21<sup>st</sup> DECEMBER, 2018.**

**P.C. :**

1. First three Petitioners before this Court are Companies which have a contract for technical nohow with a concern in Hong Kong and it has claimed that few persons on behalf of that Hong Kong concern are visiting its plant either to train the Indian staff or to check the standard and quality of product or working of machinery. These persons have necessary invitation

from Petitioners and because of that invitation, the Respondents have given them a business visa. This visa is in force and expires on different dates in future.

2.           Contention in this situation is notice issued by Respondents asking these Chinese citizens to leave India is excessive and if acted upon, it will irreparably damage the plant and production of Petitioners. Petitioners claim that they have undertaken the exercise because of policy 'Make in India'.
3.           Learned Counsel for Respondents states that officers of Respondents have visited the plant and found these persons actually working. They were therefore employed in the plant. Some of them were found having Tourists Visa. A person having a Tourists Viza or a Business Viza cannot accept any employment. If Chinese citizens wish to have Employment Visa, different standards apply and employment procured by circumventing said standard cannot be permitted. He states that only one of the Chinese citizens could communicate with officers

visiting the plant and statements of two Indian nationals, supervising the production process have also been recorded. Their statement support the case of employment.

4. After hearing respective Counsel, we find that in any case when the Chinese citizens were having Business Visa, still a decision to expel them from India has been taken, alleging its violation. A show cause notice could have been issued to them and to the persons on whose invitation they have come to India. If facts disclosed by Petitioners are correct, their manufacturing activity may receive serious setback. Hence a proper finding on facts is essential here.

5. During hearing learned Senior Counsel representing Petitioners, fairly states that these Chinese citizens have no grievance as such and they are ready and willing to abide by the law of the land.

6. We therefore direct Respondents to hear the

Petitioners and if necessary such of Chinese nationals as are ready and willing, to ascertain true and correct position. This exercise shall be completed within two weeks from today.

7. Petitioners shall co-operate with Respondents in the matter.
8. After this exercise is over, Respondents shall pass necessary orders afresh and serve it upon Chinese nationals as also Petitioners.
9. Subject to this, we quash and set aside the directions issued by Respondents asking 69 Chinese Nationals to leave India.
10. Writ Petition is thus partly allowed and disposed of.

**(SARANG V. KOTWAL, J.)**

**(B. P. DHARMADHIKARI, J.)**