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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1766 OF 2021**

Richard Koszarek & Ors.

...Petitioners

*Versus***Union of India & Ors**

...Respondents

**Mr Sushant Murthy, with Anagh Pradhan, Anand Iyer i/b Divya
Shah Associates for the Petitioners.**

**Mr Y R Mishra, with Rahul Tiwari for Union of India/Respondent No
1.**

**Mr Venkatesh Dhond, Senior Advocate, with Prasad Shenoy, Aditi
Phatak, Kirti Ojha i/b Udwadia & Co for Respondent Nos 2 and
3.**

Ms Manisha Jagtap, for Respondent No 4/Directorate of Enforcement

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.
DATED: 16th December 2021**

PC:-

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RAMCHNDRA
SANKPAL

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**1. Mr Shenoy on behalf of Reserve Bank of India (“RBI”) has
instructions to make the following statements:**

***“1. Contravention of Section 31(1) and Section 31(4) of
FERA, 1973 was identified in respect of Mr Joseph
Koszarek. However, in terms of Section 49(3) of FEMA
1999, RBI may no longer take cognizance of these
contraventions.***

2. Mrs Doreen M Koszarek inherited the property on January 29, 2002, when she was a resident. Hence, the restrictions placed under Regulation 8 of FEMA 21, dated May 3, 2000 are not applicable to her.
3. Since Mrs Doreen M Koszarek was a resident, inheritance of property by Mr Richard Koszarek, Mr Peter Koszarek and Mr Philip Koszarek is in line with the provision of section 6(5) of FEMA, 1999.
4. In light of above, RBI concludes that there was no FEMA contravention involved.”

2. We dispose of the Writ Petition by accepting these statements.
3. There will be no order as to costs.
4. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)

Note : This order is modified by an order dated 21st December 2021.
Corrections are shown in bold and italics.