

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8157 OF 2022

Ravi (Ravindra) Sheena Kotian ... **Petitioner**
Versus
Union of India & Anr. ... **Respondents**

WITH
WRIT PETITION NO. 8163 OF 2022

Girish Bangera & Anr. ... **Petitioners**
Versus
Union of India & Anr. ... **Respondents**

Mr. Pranav Badheka a/w. Mr. Nirav Shroff i/b. Mr. Tushar V. Shah and Ms. Nirmala K. Vyas, Advocates for the Petitioner.

Mr. Anil C. Singh, Advocate General a/w. Mr. Aditya Thakkar and Mr. Niranjana Shimpi, Advocates for the Respondent No.1/UOI.

**CORAM: S.V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : JULY 12, 2022

P.C.

1. We have heard learned Counsel for the petitioners and learned Advocate General for the respondent No.1.
2. The learned Counsel for the petitioner submits that the petitioners have already preferred an appeal under Section 12 of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act. 1976 (hereinafter referred to as, "**SAFEMA**") against the order dated 6th May 2022 passed by the original Authority.

However, the Tribunal is not available. The petitioners seek relief against the respondent Authority from enforcing the provisions of Sections 7 and 9 of the SAFEMA and taking over possession of immovable residential property in view of order passed by the Competent Authority.

3. The learned Counsel for the respondents has tendered across the bar the communication received by him from the Competent Authority, SAFEMA, Mumbai. The relevant part of the communication reads thus :

“Please find enclosed the copies of the subject Writ Petitions in which you have been appointed to defend the matter.

In this regard, it is to inform that the petitioners have already filed the appeals before the Appellate Tribunal and they have availed the legal remedy available under the statute. Therefore, all the averments raised in the petitions will be considered by the tribunal.

However, considering the fact that the tribunal is not functional right now, we may make an assurance that we would not take any further step till the stay petitions are heard and decided by the tribunal and accordingly the Hon’ble Court may be pleaded to dispose of the petitions.”

In light of aforesaid communication, the apprehension of the petitioners at present stands redressed.

4. In light of the above, the respondent Competent Authority shall not take further steps till the stay petitions filed by the petitioners before the Tribunal are heard and decided.

5. The writ petitions are accordingly disposed of. No costs.

6. The contention of the parties are kept open.

(S. M. MODAK, J.)

(S.V. GANGAPURWALA, J.)