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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1637 OF 2022
IN
WRIT PETITION (ST) NO. 12689 OF 2022

Prakash Mehta ..Applicant
Versus
Union of India and Anr. ...Respondents

ALONGWITH
INTERIM APPLICATION (L) NO. 12697 OF 2022
IN
WRIT PETITION (ST) NO. 12689 OF 2022

Hansa Mehta ..Applicant
Versus
Union of India and Anr. ...Respondents

ALONGWITH
WRIT PETITION (ST) NO. 12689 OF 2022

Prakash Mehta and Anr. ...Petitioners
Versus
Union of India and Anr. ...Respondents

Mr. Dharmesh S. Joshi i/b T.D.Joshi & Associates for the
Applicant/Petitioners.

Ms. Savita Ganoo a/w Mr. D.P. Singh for the Respondent No.1 – Union of
India.

Mr. Nishit Dhruva a/w Mr. Prakash Shinde, Ms. Niyati Merchant i/b MDP
and Partners for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.**
DATE : 28th APRIL, 2022

P.C. :

1. Heard learned Counsel for the parties.
2. By these interim applications, the applicants, who are husband and wife in the aforesaid petition, seek permission to travel overseas, to Hongkong, China and Far East Countries for the period, from 10th May, 2022 to 10th August, 2022, on such terms and conditions as this Hon'ble Court deems fit and proper. The applicants have also prayed that the operation of the LOC, if any, issued by the respondent No.1 – Union of India, at the instance of respondent No.2 – Bank of Baroda, be stayed during the said duration / period.
3. The applicant – Prakash Mehta intends to travel for business purpose. Learned Counsel for the applicant – Prakash submits that the applicant holds a permanent identity card of Hongkong and as such, he is compulsorily required to stay out of India for 180 days; however, the applicant – Hansa Mehta does not hold an NRI status. The applicant - Prakash has travelled overseas on several occasions, for business purpose

as well as for vacation purpose. The applicant has also travelled overseas on several occasions. The applicant's brother – Pravin Mehta also has a residency permit of Hongkong. He was permitted to travel to Hongkong by this Court vide order dated 11th March, 2022. Learned Counsel for the applicants informs that applicant's brother - Pravin Mehta has returned to India and is presently in Mumbai. Statement accepted.

4. Learned Counsel for the applicants submits that the applicants were the guarantors and that they have not been named in the DRT proceedings nor been declared as wilful defaulters. He submits that the applicant's properties have been taken over by the Respondent No.2 – Bank of Baroda and that the said properties are in the Bank's custody. He further submits that there is a status-quo order on the said properties attached by the Bank. As far as other properties of the applicants are concerned, learned Counsel for the applicants states that the applicants will not create any third party rights in the said properties.

5. Learned Counsel for the Respondent No.2/Bank does not dispute that there is an order of status-quo with respect to the applicants properties attached by the Bank.

6. Learned Counsel for the respondent No.2/Bank however, states that before the applicants leave the country, they be directed to furnish their itinerary / give details, as to where the applicants would be residing and their contact numbers.

7. Learned Counsel for the applicants assures to furnish all such details i.e. address, contact details, not only to the Prothonotary and Senior Master of this Court, but even to the Respondent No.2/Bank, before the applicants departure.

8. Considering the aforesaid, we permit the applicants – Prakash and Hansa, to travel overseas to Hongkong, China and Far East Countries, during the period from 10th May, 2022 to 10th August, 2022 on the following terms and conditions;

ORDER

(i) The applicants, before their departure, to furnish to the Prothonotary & Senior Master of this Court, all details i.e. a full itinerary of their overseas travel with all details, addresses, contact numbers etc., as well as, furnish details of the properties (which have not been attached). A copy of the same to be also furnished to the Respondent No.2 – Bank of Baroda, before the applicants' departure ;

- (ii) The applicants shall undertake not to apply for renewal or extension of this order until they return to this Country;
- (iii) Subject to the aforesaid conditions, the applicants are permitted to travel to Hongkong, China and Far East Countries, for the period from 10th May, 2022 to 10th August, 2022.
- (iv) The LOC in question, issued at the behest of the Respondent No.2/Bank of Baroda is stayed during the said period i.e. from 10th May, 2022 to 12th August, 2022.
- (v) The applicants to also furnish a copy of the said undertaking, before his departure, to the Respondent No.2 – Bank of Baroda;
- (vi) Learned Counsel for the Respondent No.2/Bank of Baroda to inform the immigration authorities of the aforesaid order passed today.
- (vii) The Immigration Authorities at all ports of departure including all airports will permit the applicants passage and permit the applicants to take their flights out of the country irrespective of whether the Bank of Baroda has notified them or not and irrespective of whether this suspension is noted in the Immigration Authorities' systems or not.

9. The Interim Applications are allowed in the aforesaid terms and are accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.
11. The aforesaid Writ Petition to be listed on 6th June, 2022 under the caption 'For Directions'.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.