

Dusane

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

***INTERIM APPLICATION NO.1835 OF 2022
IN
WRIT PETITION (L) NO.5610 OF 2022***

Paras Mehta

An Adult, Indian Inhabitant having his
residential address at 202, Shamiana,
67-F, Walkeshwar Road, Walkeshwar,
Mumbai - 400 006
and also
at 30, Adarsh Society, Nanpura, Chorasi,
Surat, Gujarat (Pin Code 395001)

...Petitioner

Versus

1. Union of India
through the Ministry of Home Affairs.
North Block, New Delhi - 110001

2. Bank of Baroda
having its registered office at
Baroda Corporate Centre, C-26,
G-Block, Bandra Kurla Complex,
Mumbai - 400051.

...Respondents

Mr. Karl Tamboly with Mr. Satyapal S. Thosar i/by T.D. Joshi & Associates
for the Applicant/Petitioner.

Mr. D.P. Singh a/w Mr. Y.R. Mishra for Respondent No.1 and 1A- UOI.

Mr. Nishit Dhruva, Ms. Niyati Merchant i/by MDP and Partners for
Respondent No.2- Bank of Baroda.

CORAM : REVATI MOHITE DERE &

MADHAV J. JAMDAR, JJ.

DATED : 6th MAY 2022

BHALCHANDRA
GOPAL DUSANE

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2022.05.09
17:01:00 +0530

P.C. :

1. Heard learned counsel for the parties.
2. At the outset, learned counsel for the applicant seeks leave to amend the petition to implead the Immigration Authorities as party-Respondent No. 1A. Leave granted. Amendment to be carried out forthwith. Mr. Singh waives notice on behalf of the new respondent i.e. the immigration authorities.
3. By this application, the applicant seeks permission to travel to Dubai, U.S.A. and Belgium from 25th May 2022 to 29th August 2022, on such terms and conditions, as this Court deems fit and proper. The applicant has further prayed that the operation of the LOC, issued by the Respondent No.1 and 1A, at the behest of the Respondent No.2, be stayed, during the said duration.
4. Learned counsel for the applicant submits that the applicant's aforesaid writ petition, challenging his classification as a willful defaulter, is pending before this Court. He further states that vide order dated 11th

March 2022, this Court (Coram : G.S. Patel & Vinay Joshi, JJ) had permitted the applicant to travel to Dubai for the period mentioned therein, subject to certain conditions, and that the LOC was stayed during the said period.

5. Learned counsel for the applicant submits that the applicant now intends to travel to Dubai, U.S.A. and Belgium for expansion of his business, for the period 25th May 2022 to 29th August 2022. Learned counsel for the applicant submits that although tentative dates of the visit to the said countries is mentioned in the application, the applicant undertakes to furnish all the details of travel i.e. the applicant's itinerary and the details of his stay at the said places and contact details. Statement accepted.

6. In the aforesaid circumstances, and the fact, that the applicant has earlier travelled overseas and has returned to India, as undertaken by him, we allow the application and permit the applicant to travel to Dubai, USA and Belgium, for the period 25th May 2022 to 29th August 2022.

7. The applicant to file an affidavit with the Prothonotary and Senior Master of this Court, giving details of his itinerary i.e. the places where he intends to travel, the period and his contact details during the said period.

The applicant to also file an undertaking with the Prothonotary and Senior Master that he will return to India, at the end of the said period and that he will not apply for renewal or extension of this order, until he returns to this Country. The said affidavit and undertaking to be filed by the applicant before his departure.

8. A copy of the said affidavit and undertaking be also furnished by the applicant to the Respondent No.2 - Bank of Baroda, prior to his departure.

9. Accordingly, the LOC issued at the behest of Respondent No. 2 by Respondent Nos. 1 and 1A, is stayed during the said period i.e. from 25th May 2022 to 29th August 2022.

10. The immigration authorities at all ports of departure including all airports will permit the petitioner passage and permit him to take his flights out of the country, irrespective of, whether the Respondent No. 2- i.e. Bank of Baroda has notified the immigration authorities or not, and irrespective, of whether this suspension is noted in the immigration authorities' systems or not.

11. Both the learned counsel for Respondent No. 1 and 1A as well as Respondent No.2 to inform immigration authorities of the said order.
12. The application is allowed and disposed of in the aforesaid terms.
13. All parties to act on authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.