

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE**

Present :-

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA

WPO/992/2023

ADITYA B. MANAKSIA AND ANR.

Versus

UNION OF INDIA AND ORS.

For the petitioners	:	Mr. Ishaan Saha, Adv. Ms. Sananda Ganguli, Adv. Mr. Shubradip Roy, Adv.
For the UOI	:	Ms. Susmita Saha Dutta, Adv.
Last Heard on	:	11.05.2023.
Delivered on	:	12.05.2023.

Moushumi Bhattacharya, J.

1. The petitioners are serving as directors and guarantors of a company named Arena Machineries Limited. The petitioners have challenged a Lookout Circular issued against the petitioners and seek quashing of the

same. The petitioners were made aware of the Lookout Circular when the petitioner no.1 was prevented from travelling outside India on 18th February, 2023. The petitioners also claim that one of the other directors of the concerned company was prevented from travelling outside the country. The petitioners hence fear the same fate and seek urgent relief.

2. Admittedly, the originator of the Lookout Circular is the respondent UCO Bank which claims some money from the petitioners as serving directors of the concerned company, Arena Machineries Limited.

3. The undisputed facts which would appear from the material before the Court is that one of the other directors of the company approached the Writ Court wherein an order was passed on 29th September, 2022 by a Co-ordinate Bench which records that the original application filed by the UCO Bank before the DRT-3, Kolkata under the Recovery of Debts and Bankruptcy Act, 1993 was decreed in terms of the petitioners making a payment of Rs.21,75,53,643.29. The balance sum of Rs.4,11,23,833.11 remained due which was also subsequently paid by the petitioners. The Bank's demand of *pendente lite* interest was taken up to the DRAT and is pending as on date. The writ petition was accordingly allowed and the Lookout Circular issued against the second petitioner, namely, Navneet Manaksia was quashed and set aside.

4. The order of the Co-ordinate Bench was partly set aside by the Division Bench on 26th April, 2023 but only to the extent of the restraint on the petitioners from disposing of the assets charged to the UCO Bank.

5. The facts unequivocally show that as of now there are no dues pending from the petitioners to UCO Bank. This is the clear recording of the order passed by the Co-ordinate Bench. The only amount which the Bank can claim from the petitioners is to the extent of the *pendente lite* interest, proceedings whereof are presently pending before the DRAT.

6. The Bank has remained unrepresented despite being served. The affidavit of service is on record.

7. Given the aforesaid facts, there cannot be any continuing fetter on the petitioners to travel or exercise their rights under Article 19 of the Constitution of India amongst others. The Bank has not shown any reason, continuing or otherwise, for sustaining the Lookout Circular issued against the writ petitioners.

8. WPO/992/2023 is, accordingly allowed and disposed of by quashing any Lookout Circular which originated from the respondent Bank against the petitioners, jointly or individually. There shall be no further fetter on the petitioners from travelling outside India or in any other manner which the petitioners may so intend.

Urgent photostat certified copies of this judgment, if applied for, be supplied to the parties upon fulfillment of requisite formalities.

(MOUSHUMI BHATTACHARYA, J.)

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