

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 14535 OF 2023
IN
WRIT PETITION (ST.) NO. 6654 OF 2022**

Chetan R. Shah & Anr.

.. Petitioners/Applicants

Versus

Union of India & Anr.

.. Respondents

Mr. Rashid Khan a/w Nilesh Mule i/b. Vivek V. Phadke *for the Petitioners.*

Mr. Mohamedali M. Chunawala a/w D. P. Singh *for Respondent No.1.*

Mrs. S. S. Bhende, AGP *for Respondent No.2.*

Mr. Harsh Sheth i/b. MDP & Partners *for Respondent No.3*

**CORAM : B. P. COLABAWALLA &
M. M. SATHAYE, JJ.**

DATE : AUGUST 24, 2023

P. C.

- 1.** The above Writ Petition is filed challenging the Lookout Circular issued against the Petitioners by Bank of Baroda.

2. The above Application is filed seeking permission to travel to Kenya for business.

3. We find that on previous occasions also the Petitioners have been permitted to travel abroad for the purpose of business. The Petition challenging the Lookout Circular has also been heard by the another Division Bench of this Court and is reserved for orders.

Considering the fact that the Petitioners have been allowed to travel abroad on earlier occasions, and have returned back to India, we grant permission to the Petitioners to travel to Kenya from 2nd September, 2023 to 10th September, 2023 subject to the following terms and conditions:-

- a) The Petitioners-Applicants shall file an affidavit of their detailed itinerary with the Prothonotary and Senior Master of this Court and a copy of the same shall be handed over to the Advocate appearing for Bank of Baroda.
- b) The Petitioners-Applicants shall also file an undertaking that the Petitioners-Applicants shall return back to India on or before 11th September, 2023. The Petitioners shall also in the said undertaking, undertake to this Court that he shall not apply for

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renewal and/or extension of this order until he returns back to India.

- c) The Petitioners-Applicants, on their return, shall within a period of two weeks, file a separate affidavit explaining the business meetings they have held and with whom together with the contact details of the persons they met and the details of business they were able to generate, if any. This affidavit shall also be served on the Advocate for Bank of Baroda. We are of the considered view that this condition is absolutely necessary because substantial money is owed to the consortium of Banks and we do not wish that parties, who are borrowers and guarantors, should be permitted to travel abroad for the purpose of a holiday while the dues of the Banks are still outstanding and not paid.

4. Subject to these conditions, the Lookout Circular in question issued against the Petitioners-Applicants is stayed till 11th September, 2023.

5. The Immigration Authorities at all ports of departure including all Airports will permit the Petitioners-Applicants passage and

permit the them to take their flights out of the country irrespective of whether Bank of Baroda has notified them or not and irrespective of whether this suspension is noted in the Immigration Authorities' systems or otherwise.

6. The Immigration Authorities shall not insist upon a certified copy of the order but will act on presentation of an authenticated or digitally signed copy of this order.

7. The above Interim Application is disposed of in the aforesaid terms. No order as to costs.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]