

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.497 OF 2023
IN
WRIT PETITION NO. 3056 OF 2022

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Nihar N Parikh	...Applicant
<i>In the matter between</i>	
Nihar N Parikh	...Petitioner
<i>Versus</i>	
Union of India & Ors	...Respondents

Mr Chirag Sawagi, i/b, Tushar Goradia, for the Applicant/Petitioner.
Mr YS Bhate, i/b, DP Singh, for the Respondent No.1.
Mrs Uma Palsuledesai, AGP, for the Respondents/State.
Mr Yahya Batatawala, with Uma Chatterjee i/b, Meghna Rao, for the Respondent No.4.
Mr Saurabh Mandlik, i/b, Vaishali Bhilare, for the Respondent No.5.
Mr Harsha Sharma, i/b, Nahush Shah Legal, for the Respondent Nos. 6 to 9 and Respondents Nos. 11 to 15.
Ms Saheli Koli, i/b, Deepak Saxena, for the Respondent No.10/UBI.
Mrs Aishwarya Katkar, i/b, Rathina Maravarman, for the Respondent No.16/Central Bank of India.

CORAM G.S. Patel &
Dr Neela Gokhale, JJ.
DATED: 7th February 2023

PC:-

1. This Interim Application seeks leave of this Court to permit the Applicant to travel overseas to Dubai from 13th February 2023 to 18th February 2023 despite the issuance of one or more Look Out Circulars at the instance of one or more of the financial institutions which are Respondent Nos. 6 to 17 to this Interim Application and the Writ Petition.

2. The Petition is of a class with other Writ Petitions and Interim Applications that a Division Bench of which one of us (Patel J) was a member heard and on which judgment is reserved. Those Petitions challenged the Look Out Circulars issued by various banks through the Bureau of Immigration and the Office Memoranda under which those LOCs are issued. In all those cases, these LOCs were issued because of a claim by the financial institutions that they were owed various amounts of money by either the petitioners or by commercial entities with which those Petitioners were connected. Judgment will be pronounced shortly. This petition will undoubtedly be covered by that Judgment.

3. In various Interim Applications we have made similar orders permitting individuals to travel overseas subject to certain conditions. The present Applicant/Petitioner himself has received such orders on 12th April 2022, 25th April 2022, 10th August 2022 etc. The Petition itself was a part of the group that was finally heard.

4. In view of these facts, we stay all LOCs in question for a temporary period and subject to the same terms and conditions as were imposed earlier. We permit the Applicant/Petitioner to travel

overseas for a period from 13th February 2023 to 18th February 2023 to Dubai. This order will also be subject to the usual conditions, viz.,

- (i) the Petitioner is to file an undertaking to return to this country at the end of this period, if not already done;
- (ii) the Petitioner is to file a detailed itinerary with his contact details and addresses overseas, if not already done;
- (iii) The Petitioner must file an undertaking (if not already done) not to apply for renewal or extension of this order until he returns to this country.

5. Subject to these conditions, the LOCs in question against the Petitioner are stayed until 19th February 2023.

6. The immigration authorities at all ports of departure including all airports will permit the Petitioner passage and permit the Petitioner to take his flights out of the country irrespective of whether the banks have notified them or not and irrespective of whether this suspension is noted in the immigration authorities' systems or not.

7. The immigration authorities will not ask for a certified copy of this order but will act on presentation of an authenticated or digitally signed copy of this order.

8. This order will dispose of the present Interim Application. No costs.

(Dr Neela Gokhale, J)

(G. S. Patel, J)