



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CIVIL APPLICATION(W) NO.3556 OF 2023 IN
WRIT PETITION NO.5474 OF 2022

Piyush s/o Late Rajesh Marodia

vs.

Bureau of Immigration, Ministry of Home Affairs, New Delhi and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C.J.Dhruv, Advocate h/f Shri D.V.Chauhan, Advocate for applicant/ petitioner.
Shri N.S.Deshpande, Deputy Solicitor General of India for respondent no.1.
Shri A.T.Purohit, Advocate for respondent no.2 to 8.

CORAM : SMT. ANUJA PRABHUDESSAI and
MRS. VRUSHALI V. JOSHI, JJ.

DATE : 15th DECEMBER, 2023.

P.C. :-

1. At the outset, learned counsel for the petitioner seeks leave to amend prayer clause (a) and (c) of the application. He states that due to inadvertence it is stated in the prayer clause (a) that the petitioner intends travelling to Dubai from 17.12.2023 to 19.12.2023, instead of 17.12.2023 to 20.12.2023. Further, in prayer clause (c), directions are sought to communicate the interim order to Immigration Authority at Nagpur, instead of Mumbai.

2. Leave granted to amend prayer clauses (a) and (c).

3. Amendment to be carried out forthwith.

4. By this application, the applicant seeks leave to travel to Dubai from 17.12.2023 to 20.12.2023 and seeks a direction to respondent no.2 and 8-Banks, at whose behest look out circular has been issued, to communicate to the respondent no.1 -Immigration Authority, Mumbai his travel itinerary.

5. In recovery proceedings (O.A. No.243/2017), the Debt Recovery Tribunal, Nagpur has, by ex-parte order dated 06.06.2017, restrained

the applicant from leaving the country. The said ex-parte order was vacated in view of order of this Court in W.P. No. 2826/2022. The respondent no.1, at the behest of respondent-banks, issued look out circular against the applicant, which has been challenged in the aforestated petition. The effect, operation and implementation of the look out circular has been stayed by order dated 29.02.2022 until further orders.

6. The applicant states that he wishes to travel to Dubai for business meeting from 17.12.2023 to 20.12.2023. He has given his travel itinerary as well as the details of his hotel booking and sought leave to travel during this period for the said purpose. It is seen that the applicant had moved a similar application being Civil Application (W) No. 1363 of 2023 in this writ petition which came to be granted on 27.04.2023. According to the learned counsel for the applicant/petitioner benefit of this order was not taken by the petitioner since the meeting was cancelled. An affidavit indicating the same is placed on record. Hence similar permission is sought.

7. The record indicates that the applicant had sought similar permission and was permitted to travel abroad. Learned counsel for the petitioner states that the petitioner shall furnish an undertaking as stated in paragraph 25 of the judgment in W.P. No. 2826/2022 and shall furnish all other details of his stay in Dubai during the said period. An undertaking to that effect shall be filed before the scheduled date of departure.

8. Under the circumstances, the applicant is permitted to travel to Dubai from 17.12.2023 to 20.12.2023, subject to furnishing an undertaking as stated in paragraph 25 in the Judgment in W.P. No. 2826/2022. The requirement to mark attendance before the Indian Embassy in Dubai is dispensed with in view of short stay at Dubai

9. The learned counsel for respondent nos.2 and 8 banks to communicate the order to the concerned Immigration Authority at Mumbai. Similar steps shall be taken by the learned Deputy Solicitor General of India.

10. The civil application is allowed and disposed of.

11. Parties to act on the authenticated copy of this order.

Writ Petition No. 5474 of 2022

Stand over after Christmas vacation for further consideration.

(VRUSHALI V. JOSHI, J.)

(ANUJA PRABHUDESSAI, J.)

Diwale.