



WEB COPY

W.P.No.26798 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26798 of 2011

and

M.P.No.1 of 2011 & W.M.P.No.7374 of 2018

Dr.Kamakshi Memorial Hospital Pvt. Ltd.,
rep. by its Managing Director
Dr.Kamakshi Memorial Hospital Pvt. Ltd.,
No.1, Radial Road, Pallikaranai,
Chennai – 601 302.

... Petitioner

Vs.

- 1.Reserve Bank of India,
rep. by its Chief Manager,
Foreign Exchange Department,
Central Office Building,
Shahid Bhagat Singh Marg
Fort, Mumbai – 400 001.
- 2.Reserve Bank of India,
rep. by its Asst. General Manager,
Foreign Exchange Department,
Fort Glacis, Rajaji Salai,
Chennai – 600 001.
- 3.DSLV Venture
rep. by its president Ven.Swaminathan
DSL V Ventures
1540, Oakwood Trail, Xenia
Oh. 45385, USA.



4.Venkataramani Swaminathan
Rep. by his Power of Attorney Holder
M.Swaminathan
1540, Oakwood Trail, Xenia
Oh. 45385, USA.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent pertaining to his proceedings bearing No.FE.CO.FID/9181/10.02.2004 (Vol.15)/2011-12 dated 14.10.2011 and quash the same and forbear the Respondents 1 and 2 from initiating any action pursuant to the letter dated 14.10.2011 till the disposal of C.A.No.12/2011 pending on the file of this Court.

For Petitioner	: Mr.M.S.Krishnan Senior Counsel For M/s.Sarvabhauman Associates
For R1 & R2	: M/s.J.Poornam
For R3 & R4	: Mr.S.R.Rajagopal Senior Counsel For Rohan Rajasekaran

ORDER

The writ petition has been instituted questioning the validity of the order dated 14.10.2011 passed by the Reserve Bank of India calling upon the writ petitioner to refund the share application money received immediately.



WEB COPY

2. The learned Senior Counsel appearing on behalf of the petitioner brought to the notice of this Court that in respect of the share application money, there is a dispute pending before the Hon'ble Supreme Court of India between the writ petitioner and the respondents 3 and 4.

3. The Hon'ble Supreme Court of India had issued notice and granted stay of operation of the order, which is under challenge before the Hon'ble Supreme Court. Therefore, the order impugned in the present writ petition lost its relevance at this point of time and after disposal of the S.L.P by the Apex Court, the petitioner is at liberty to institute appropriate proceedings, if required under law.

4. With this liberty, the Writ Petition stands disposed of. No costs.
Connected Miscellaneous Petitions are closed.

06.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



W.P.No.26798 of

To

1.The Chief Manager,
Reserve Bank of India,
Foreign Exchange Department,
Central Office Building,
Shahid Bhagat Singh Marg
Fort, Mumbai – 400 001.

2.The Asst. General Manager,
Reserve Bank of India,
Foreign Exchange Department,
Fort Glacis, Rajaji Salai,
Chennai – 600 001.



WEB COPY

W.P.No.26798 of



S.M.SUBRAMANIAM, J.

Jeni

W.P.No.26798 of 2011

06.03.2023