

AD-25
Ct No.09
13.02.2024
TN

WPA No. 15356 of 2023

Brajes Chandra Bhattacharyya
Vs.
Bureau of Immigration and others

Mr. Debjyoti Saha,
Mr. Anirudh Gayal

.... for the petitioner

Mr. Om Narayan Rai,
Ms. Deblina Lahiri,
Mr. Mrinmoy Chatterjee

.... for the respondent nos.2 & 3

Ms. Jayati Chowdhury,
Ms. Rashhmi Singhee,
Ms. Sucheta Mitra,
Ms. Priya Malakar

....for the Bank of Baroda

- 1.** The affidavits in opposition and reply filed today be kept on record.
- 2.** The Look Out Circular (LOC) issued against the petitioner has been challenged primarily on the premise that the grounds made out in the request of the respondent-Bank for such issuance are not valid grounds as contemplated in the relevant Circular issued by the Government of India for issuance of LOC.
- 3.** It transpires upon hearing submissions of learned counsel for the parties and going through the pleadings that the respondent nos. 2 and 3 primarily raised an objection regarding certain unpaid dues of a Company of which the

petitioner was a Director for a period subsequent to the alleged period of default. As such, in any event, it is doubtful whether the same furnished sufficient ground for issuing an LOC against the petitioner.

4. That apart, at best, the allegations of the Bank could justify the initiation of proceedings for recovery of the dues against the concerned Company but do not satisfy the high ground of being detrimental to public interest or to the interest of the country or its economy at large in the event the petitioner leaves the country.
5. On such grounds, the request of the Bank which prompted the LOC-in-question to be issued does not come within the purview of the concerned Circular of the Government of India for issuance of LOCs.
6. As such, WPA No. 15356 of 2023 is allowed on contest, thereby setting aside and quashing the LOC issued against the petitioner as well as the request of the Banks in that regard. The respondent no.1, that is, the Bureau of Immigration shall take immediate steps to reverse the communications and steps taken pursuant to the issuance of the LOC to the petitioner at the earliest, preferably within three weeks from date, to ensure that the petitioner is

not restrained from leaving India on the basis of such quashed LOC.

- 7.** There will be no order as to costs.
- 8.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)