

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1740 OF 2022
WITH
INTERIM APPLICATION (LODG.) NO. 10969 OF 2022
WITH
INTERIM APPLICATION NO. 2623 OF 2023
IN
WRIT PETITION NO. 1740 OF 2022

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1. Kunal Jiwarajka
& 2 Ors.

.. Petitioners

Versus

1. Union of India
Through the Ministry of Home Affairs
(Foreigners' Division)
& 11 Ors.

...Respondents

WITH
INTERIM APPLICATION NO. 25134 OF 2022
IN
WRIT PETITION NO. 1740 OF 2022

Mr.Dharam Juman *a/w. Mihir Nerurkar and Sneha Vani i/b Sneha Vani Marjadi,, Advocate for Petitioner/Applicant.*

Mr.D.A. Dube *a/w. Mr.D.P. Singh, Advocate for Respondent No.1-UOI.*

Ms.Uma Palsule-Desai, *AGP for Respondent No.2 -State.*

Mr.Jamshd Ansari, *Advocate Respondent No.3.*

Mr.Sameer Pandit *a/w. Sarah Khambatti & Jai Sanyal i/b Wadia Ghandy & Co., Advocate for Respondent No.6.*

Mr.Harsh Sheth *i/b MDP & Partners, Advocate for Respondent No.12-RBL Bank.*

**CORAM : B.P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : APRIL 29, 2024.

P C:

1. The above Writ Petition is filed *inter alia* challenging the impugned Look Out Circulars issued/opened against the Petitioners at the instance of Respondent No.3 (Union Bank of India).

2. We find that the issue raised in the above Writ Petition is squarely covered by the decision of a Division Bench of this Court in the case of Viraj Chetan Shah Vs. Union of India through the Ministry of Home Affairs & Anr.¹.

3. In these circumstances, the impugned Look Out Circulars issued at the instance of Union Bank of India (Respondent No.3) are hereby quashed and set aside.

4. The Bureau of Immigration will ignore and not act upon any LOCs issued by Union Bank of India against the present Petitioners. All databases will be updated accordingly. We direct the Bureau of

¹ Writ Petition No.719 of 2020 & connected matters decided on 23rd April 2024.

Immigration or the Ministry of Home Affairs to do the needful in this regard.

5. We clarify that this order will not and does not affect any existing restraint order issued by a competent authority, court, tribunal or investigative or enforcement agency or an enforcement of any order of a court. Where any court or tribunal has issued a restraint order (even at the instance of a public sector bank), that order will continue to operate and the invalidation of the present LOCs cannot and will not affect such orders.

6. The Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

7. In view of disposal of the Writ Petition, any Interim Applications filed therein, do not survive and the same are disposed of accordingly.

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.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA, J.]