

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

WRIT PETITION NO.2203 OF 2024

ALONG WITH

INTERIM APPLICATION (LODGING) NO.17811 OF 2024

INTERIM APPLICATION (LODGING) NO.17405 OF 2024

Amit Kumar Agarwal

.. Petitioner-Applicant

Vs.

Union Bank of India and Ors.

.. Respondents

Ms. Savita Nangare, Advocate, i/by Law Focus, for the Petitioner-Applicant.

Mr. Nainesh Amin, Advocate for Respondent No.1.

Mr. Y.R. Mishra with Mr. Sachidanand T. Singh and Mr. Vineet Jain, Advocates for Respondent Nos.2 and 3.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 18TH JUNE, 2024.

PC. :

1. The above Writ Petition is filed seeking the following reliefs :

- (a). That this Hon'ble Court be pleased to quash and/or set aside the impugned Look Out Circular issued by the respondent nos.2 and 3 on request of the respondent no.1.
- (b). That this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order and/or direction commanding the respondents or any one or more of them as this Hon'ble Court deems fit and proper to forthwith refrain them from acting upon the impugned Look Out Circular in any manner whatsoever.

- (c). That this Hon'ble Court be pleased to pass an order of injunction restraining respondent nos.1 to 3, their servants, agents and any person claiming by, through and/or under them or any one or more of them from implementing the impugned Look Out Circular in any manner whatsoever.
- (d). That this Hon'ble Court be pleased to permit the petitioner to travel out of India on such terms and conditions as this Hon'ble Court deems fit.
- (e). That this Hon'ble Court be pleased to call for the records maintained by respondent no.1 pursuant to which respondent no.1 requested respondent nos.2 and 3 to issue impugned Look Out Circular against the petitioner.”

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 and Anr., (Writ Petition No.719 of 2020, along with connected matter, decided on 23rd April 2024)*. There is no affidavit-in-reply filed by the respondents denying the averments made in the writ petition.

3. In these circumstances, the petition succeeds and the Look Out Circular (*LOC*) issued against the petitioner at the instance of Union Bank of India is hereby quashed and set aside.

4. The Bureau of Immigration will ignore and not act upon any LOC issued by Union Bank of India against the present petitioner. All database will be updated accordingly. We direct the Bureau of Immigration or the Ministry of Home Affairs to do the needful in this regard.

5. We, however, 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 LOC 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 above writ petition, Interim Application (Lodging) Nos.17517 of 2024 and 17817 of 2024 filed therein do not survive and the same are disposed of accordingly.

8. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]