

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (Lodg.) NO. 25728 OF 2023

Siddharth Shah

...Petitioner

Versus

1. Bank of Baroda
& 2 Ors

...Respondents

WITH

INTERIM APPLICATION (Lodg.) NO. 15563 OF 2024

IN

WRIT PETITION (Lodg.) NO. 25728 OF 2023

Siddharth Shah

...Applicant

In the matter between :

Siddharth Shah

...Petitioner

Versus

1. Bank of Baroda
& 2 Ors

...Respondents

Mr. Shadab Jan a/w. Sonal Sanap, Vishal Dhasade i/b Apex Law Partners, Advocate for Petitioner/Applicant.

Mr. Nilesh Bamne a/w. Ms. Shraddha Gupta i/b M/s. A., R. Bamne & Co., Advocates for Respondent No.1-Bank of Baroda.

Mr. S.K. Halwasia, Advocate for Respondent Nos.2 and 3 (through V.C.).

**CORAM : N. R. BORKAR &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : MAY 22, 2024

(VACATION COURT)

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MAY 22, 2024

Shraddha Talekar, PS

PC :

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

“(a) That this Hon’ble Court be pleased to call for records of the Respondents relating to the issuance of Look Out Circular / communication issued by the Respondents, respectively, based on which the Petitioner was prevented from travelling out of Country.

(b) That this Hon’ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction directing the Respondents herein to provide a copy of the Look Out Circular / communication issued against the Petitioner.

(c) That this Hon’ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction setting aside and quashing Look Out Circulars / communication issued against the Petitioner.

.....”

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

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

3. In these circumstances, the Petition succeeds and the Look Out Circular (“LOC”) issued against the Petitioner at the instance of Bank of Baroda is hereby quashed and set aside.

4. The Bureau of Immigration will ignore and not act upon any LOCs issued at the instance of the Bank of Baroda against the present Petitioner. All databases will be updated accordingly. We direct the Bureau of Immigration and 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, 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 accordingly disposed of. However, there shall be no order as to costs.

7. In light of the disposal of the above Writ Petition, nothing survives in any Interim Applications pending therein, and the same are disposed of accordingly.

[SOMASEKHAR SUNDARESAN, J.]

[N. R. BORKAR, J.]