



W.A.Nos.588 to 591 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2024

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THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.Nos.588 to 591 of 2024

Xiaomi Technology India Private Limited  
Rep. by its Chief Financial Officer Sameer B.S. Rao  
Having Registered Office At Orchid (Block E),  
Ground To Fourth Floor  
Embassy Tech Village  
Marathahalli-Sarjapur Outer Ring Road  
Bengaluru 560103, Karnataka, India.

.. Appellant in  
all W.As.

Vs.

1. The Adjudicating Authority  
Special Director (Sr.)  
Directorate Of Enforcement  
Southern Regional Office, Chennai  
Shastri Bhavan, III Floor, III Block  
26, Haddows Road, Chennai - 600 006.
2. The Assistant Director  
Directorate Of Enforcement  
Bangalore Zonal Office  
3rd Floor, B Block, BMTC, Shanthinagar  
TTMC, KH Road, Shanthinagar  
Bengaluru - 560 027.



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3. The Joint Director  
Directorate Of Enforcement  
Bangalore Zonal Office  
3rd Floor, B Block, BMTC  
Shanthinagar, TTMC, KH Road  
Shanthinagar, Bengaluru - 560 027.

Respondents in  
all W.As. ..

Prayer: Appeals filed under Clause 15 of the Letters Patent against the common order dated 23.01.2024 made in W.P.Nos.35660, 35664, 35668 and 35662 of 2023.

For the Appellant : Mr.P.S.Raman, Senior Counsel  
in all W.As. Mr.Harpreet Singh Ajmani &  
Ms.Priyanka Shetty  
For Mr.P.Giridharan  
Mr.H.Siddarth

For the Respondents : Mr.AR.L.Sundaresan  
in all W.As. Additional Solicitor General  
Assisted by Mr.Rajnish Pathiyil  
Special Public Prosecutor

### JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.P.S.Raman, learned Senior Counsel, Mr.Harpreet Singh Ajmani, Ms.Priyanka Shetty, learned counsel for Mr.P.Giridharan and Mr.H.Siddarth, learned counsel for the appellants and Mr.AR.L.Sundaresan, learned Additional Solicitor General, assisted by Mr.Rajnish Pathiyil, learned Special Public



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Prosecutor for the respondents.

2. The proceedings were initiated against the appellant under the Foreign Exchange Management (Adjudication Proceedings and Appeal) Rules, 2000. Notice was served upon the appellant under Rule 4(1) of the Rules, 2000. The appellant sought for documents. The appellant was not supplied with four documents. In absence thereof, the matter proceeded till the stage of order under Rule 4(3). The opinion was formed by the authority. The appellant filed a review. The review was dismissed. Aggrieved thereby, the appellant filed writ petitions.

3. The learned Single Judge concluded that the principles of natural justice are violated as four documents relied on were not submitted to the appellant. The learned Single Judge directed to provide an opportunity to the present appellant for giving fresh explanation on receipt of the four documents. However, as far as the opinion that was already formed is concerned, the learned Single



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Judge observed that the adjudicating authority may form a further opinion.

4. Learned Senior Counsel for the appellant submits that there cannot be two opinions on record. The earlier opinion formed has to be set aside. The very purpose of giving opportunity to the appellant to submit a fresh explanation would be frustrated if the adjudicating authority is guided by the earlier opinion.

5. Learned Additional Solicitor General submits that the appellant was given inspection of the documents though four documents were not supplied. The explanation was received. The opinion was also formed. According to learned Additional Solicitor General, the adjudicating authority would form a fresh opinion.

6. In view of the fact that the learned Single Judge has observed that the principles of natural justice are violated in view of the fact that the documents were not supplied to the appellant,



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though was given an opportunity to inspect and directed to give an opportunity to the appellant to file its explanation in view of the four documents supplied later on, naturally the opinion to be formed would be based on the explanation given by the appellant upon the supply of all the documents. As such, instead of further opinion to be formed by the officer, the adjudicating authority would form a fresh opinion based on the explanation submitted by the appellant upon receipt of the four additional documents. The said opinion shall be uninfluenced by the earlier opinion formed. The earlier opinion would be non-est.

7. The writ appeals are disposed of. There shall be no order as to costs. Consequently, C.M.P.Nos.4133, 4135 to 4137, 4139 to 4141 and 4144 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)  
22.02.2024

Index : Yes/No

Neutral Citation : Yes/No

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