

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FEMA APPEAL NO.1 OF 2024

Directorate of Enforcement,
Ministry of Finance
thr. The Assistant Director

.. Petitioner

Versus

Canara Bank

.. Respondent

**WITH
FEMA APPEAL (ST) NO. 992 OF 2020
WITH
INTERIM APPLICATION NO.577 OF 2020**

Directorate of Enforcement,
Ministry of Finance
thr. The Assistant Director

.. Petitioner

Versus

Standard Chartered Grindlays Ltd

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1115 OF 2020
WITH
INTERIM APPLICATION NO.700 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance,
thr. The Assistant Director

.. Petitioner

Versus

T.r. Subramaniam

.. Respondent

WITH

**FEMA APPEAL(ST) NO. 1117 OF 2020
WITH
INTERIM APPLICATION NO.701 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

Standard Chartered Grindlays Ltd.

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1119 OF 2020
WITH
INTERIM APPLICATION NO.702 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

Girija Pande

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1120 OF 2020
WITH
INTERIM APPLICATION NO.703 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

Paul Pereira, Customer Service Officer

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1121 OF 2020
WITH
INTERIM APPLICATION NO.704 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance
thr.The Assistant Director

.. Petitioner

Versus

Mr. Sunil Ganpat Sawant

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1122 OF 2020
WITH
INTERIM APPLICATION NO.706 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance
thr.The Assistant Director

.. Petitioner

Versus

Mrs. Preetha Sundaram Country Manager

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1123 OF 2020
WITH
INTERIM APPLICATION NO.707 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

R.B. Dhage Officer

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1124 OF 2020
WITH
INTERIM APPLICATION NO.709 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

Allwyn Roche Officer

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1125 OF 2020
WITH
INTERIM APPLICATION NO.1441 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

Mrs. Preetha Sundaram Country Manager

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1126 OF 2020
WITH
INTERIM APPLICATION NO.711 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

Standard Chartered Grindlays Ltd.

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1127 OF 2020
WITH**

INTERIM APPLICATION NO.712 OF 2020

Directorate Of Enforcement,
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

Girija Pande General Manager

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1128 OF 2020
WITH
INTERIM APPLICATION NO.713 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

Standard Chartered Grindlays Ltd.

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1129 OF 2020
WITH
INTERIM APPLICATION NO.714 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

Standard Chartered Grindlays Ltd.

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1130 OF 2020
WITH
INTERIM APPLICATION NO.715 OF 2020**

Directorate Of Enforcement,

Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

Standard Chartered Bank

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1131 OF 2020
WITH
INTERIM APPLICATION NO.716 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

Standard Chartered Grindlays Ltd.

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1132 OF 2020
WITH
INTERIM APPLICATION NO.717 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

Mr. Rjagopalan Ram Kumar
Officer In Charge of Remittance Section

.. Respondent

**WITH
FEMA APPEAL(ST) NO. 1133 OF 2020
WITH
INTERIM APPLICATION NO.718 OF 2020**

Directorate Of Enforcement,
Ministry Of Finance

thr. The Assistant Director

.. Petitioner

Versus

Navin Puri, Branch Manager

.. Respondent

**WITH
FEMA APPEAL NO. 4 OF 2023**

Directorate Of Enforcement
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

Canara Bank

.. Respondent

**WITH
FEMA APPEAL NO. 6 OF 2024**

Directorate Of Enforcement
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

M M Chungath

.. Respondent

**WITH
FEMA APPEAL NO. 10 OF 2024**

Directorate Of Enforcement
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

S.A. Lakshmi

.. Respondent

**WITH
FEMA APPEAL NO. 7 OF 2024**

Directorate Of Enforcement
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

S.A. Lakshmi

.. Respondent

**WITH
FEMA APPEAL NO. 2 OF 2024**

Directorate Of Enforcement
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

M M Chungath

.. Respondent

**WITH
FEMA APPEAL NO. 3 OF 2024**

Directorate Of Enforcement
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

P. Upadhyaya

.. Respondent

**WITH
FEMA APPEAL NO. 4 OF 2024**

Directorate Of Enforcement
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

M M Chungath

.. Respondent

**WITH
FEMA APPEAL NO. 9 OF 2024**

Directorate Of Enforcement
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

S.A. Lashmi

.. Respondent

**WITH
FEMA APPEAL NO. 8 OF 2024**

Directorate Of Enforcement
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

S.A. Laxmi

.. Respondent

**WITH
FEMA APPEAL NO. 5 OF 2024**

Directorate Of Enforcement
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

M/s. Canara Bank

.. Respondent

**WITH
FEMA APPEAL NO. 5 OF 2023**

Directorate Of Enforcement
Ministry Of Finance
thr. The Assistant Director

.. Petitioner

Versus

M/s. Canara Bank

.. Respondent

Mr.Ashish Chavan a/w Zishan Quazi, Advocates for the Applicant/Appellant in all Appeals/Applications.

Mr.Amit Desai, Senior Advocate a/w Gopalkrishna Shenoy, Abhay Jadeja, Arun Unnikrishnan, Vanshika Shroff, Ishani Saxena i/b Jadeja & Satiya, Advocates for Respondent/Standard Chartered Grindlays Ltd.

Mr.Vivek Sharma, Advocate for Respondent/Canara Bank.

**CORAM :B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE : FEBRUARY 27, 2025**

P. C.

1. FEMA Appeal (st) No.992 of 2020, FEMA Appeal (st) No.1117 of 2020, FEMA Appeal (st) No.1126 of 2020, FEMA Appeal (st) No.1128 of 2020, FEMA Appeal (st) No.1129 of 2020, FEMA Appeal (st) No.1130 of 2020, FEMA Appeal (st) No.1131 of 2020, FEMA Appeal (st) No.1122 of 2020, FEMA Appeal (st) No.1125 of 2020, FEMA Appeal (st) No.1127 of 2020, FEMA Appeal (st) No.1123 of 2020, FEMA Appeal (st) No.1121 of 2020, FEMA Appeal (st) No.1115 of 2020, FEMA Appeal (st) No.1119 of 2020, FEMA Appeal (st) No.1124 of 2020, FEMA Appeal (st) No.1132 of 2020, FEMA Appeal (st) No.1133 of 2020 and FEMA Appeal (st) No.1120 of 2020 have been filed by the Directorate of Enforcement

challenging the impugned judgment dated 20th September 2019 passed by the Appellate Tribunal. This judgment is passed in the Standard Chartered Bank matters.

2. FEMA Appeal No.4 of 2023, FEMA Appeal No.5 of 2023, FEMA Appeal No.1 of 2024, FEMA Appeal No.2 of 2024, FEMA Appeal No.3 of 2024, FEMA Appeal No.4 of 2024, FEMA Appeal No.5 of 2024, FEMA Appeal No.6 of 2024, FEMA Appeal No.7 of 2024, FEMA Appeal No.8 of 2024, FEMA Appeal No.9 of 2024 and FEMA Appeal No.10 of 2024 have been filed by the Directorate of Enforcement challenging the impugned judgment dated 20th September 2019 passed by the Appellate Tribunal. This judgment is in the Canara Bank matters.

3. As far as Standard Chartered Bank is concerned, Mr. Desai, the learned senior counsel appearing on behalf of Standard Chartered Bank, submitted that though by the impugned judgment Standard Chartered Bank would be entitled to refund of certain amounts, a statement was made before the Appellate Tribunal itself that Standard Chartered Bank would not claim any refund and the same can be deposited with the Prime Minister's Relief Fund, if so advised by the Directorate of Enforcement. Mr. Desai submitted that even today they

are willing to make the same statement so that a quietus can be put to these matters by the Directorate of Enforcement. This is more so in the facts of the present case because all these matters pertain to the year 1991.

4. The learned advocate appearing on behalf of the Directorate of Enforcement informed the Court that he would take instructions on this aspect and requested for some time. We, accordingly, accede to the request of the learned advocate appearing on behalf of the Directorate of Enforcement.

5. As far as Canara Bank is concerned, the learned counsel appearing on behalf of the Directorate of Enforcement submitted that if the Directorate of Enforcement were to accept the suggestions of Standard Chartered Bank, then, Canara Bank also would have to make a similar statement. He submitted that this is because in the present matters Canara Bank, according to the Directorate of Enforcement, is an abettor of Standard Chartered Bank. Therefore, if a quietus is to be put to all these matters, all Appeals would have to be disposed of at one and the same time.

6. Mr. Sharma, the learned counsel appearing on behalf of Canara Bank, submitted that it being a nationalized Bank he has no instructions to make any such statement.

7. Having heard the learned counsel for the parties we would request a Senior Officer of Canara Bank [who is in a position to take a decision and make the necessary statement] to remain present in Court (either through V.C. or personally) so that a quietus can be put to all the above Appeals. We have passed these directions because we would like to examine whether Canara Bank seriously wants to continue with this litigation which started in the year 1991, and in which, if they succeed, would be, at the highest, entitled to a refund of the sum of approximately Rs.62 Lakhs.

8. In order to enable some Senior Officer of Canara Bank to appear before this Court, we stand this matter over to 5th March 2025 at 2.30 p.m. The Directorate of Enforcement is also requested to give the necessary instructions by the next date.

9. Stand over to 5th March 2025 at 2.30 p.m.

10. 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.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]