



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FEMA APPEAL NO.2 OF 2025
WITH
INTERIM APPLICATION NO.3995 OF 2025

Alliance & Leicester Ltd. ...Appellant/Applicant

Versus

Enforcement Directorate,
Through Special Director ...Respondent

AND
FEMA APPEAL NO.4 OF 2025
WITH
INTERIM APPLICATION NO.3993 OF 2025

Alliance & Leicester Ltd. ...Appellant/Applicant

Versus

Enforcement Directorate,
Through Special Director ...Respondent

Mr. Abhishek Adke for the Appellant/Applicant in both FEMA Appeals and Interim Applications.

Mr. Anil D. Yadav for the Respondent-ED in both FEMA Appeals and Interim Applications.

CORAM : M. S. Sonak &
Jitendra Jain, JJ.

DATED : 30 July 2025

PC.:- (Per M. S. Sonak, J.)

1. Heard learned counsel for the parties.
2. The learned counsel for the parties state that both these appeals can be disposed of by a common order since, they challenge the common order dated 4 July 2024.
3. Mr. Adke, learned counsel for the Appellant, on instructions, submits that the course of action which was followed for disposing of connected FEMA Appeal No.1 of 2024 and other connected matters

could be adopted in this case as well. For this, he refers to the order dated 2 May 2025 made by the Co-ordinate Bench disposing of FEMA Appeal No.1 of 2024 and connected appeals.

4. Mr. Adke, again on express instructions, states that the amount of Rs.1.05 crores involved in FEMA Appeal No.2 of 2025 which is the subject matter of the impugned order will be paid by the Appellant without prejudice and without admitting any liability or wrongdoing to the Prime Minister's Relief Fund within eight weeks from the date of uploading of this order. This statement is accepted. Mr. Adke further states that Rs.1,000/- involved in FEMA Appeal No.4 of 2025 has already been paid.

5. Mr. Adke has contended that by the order of 2 May 2025, the principals have been exonerated and, therefore, the present Appellant cannot be penalised as an abettor. He submitted that it is only to give quietus to the proceedings, the Appellant will donate the amount of Rs. 1.05 crores to the Prime Minister's Relief Fund, and not seek a refund even if the impugned orders are set aside.

6. From the perusal of the order dated 2 May 2025 relied upon by the learned counsel for the Appellant, we note that all the parties therein, including the principal, agreed to pay the penalty amount without prejudice to their rights and contentions and without admitting any liability. This was one of the considerations based upon which the matters were given a quietus and the appeals filed by the Union were dismissed. Since the present Appellant seeks to adopt the same course of action, we see no grounds to deviate from the course of action adopted in the order dated 2 May 2025. Even the learned counsel for the Respondent did not, perhaps, and could not have objected to the adoption of this course of action in these appeals.

7. Therefore, subject to the Appellant donating an amount of Rs.1.05 crores to the Prime Minister's Relief Fund within eight weeks from the date of uploading of this order and filing a proof of payment with an advance copy to the learned counsel for the Respondent, the impugned order dated 4 July 2024 shall stand set aside. However, if there is no compliance in the matter of payment of this amount of Rs. 1.05 crores within eight weeks, then these appeals shall stand dismissed without further reference to this Court, thereby entitling the Respondent to recover the penalty amount by following the due process.

8. Upon the payment of this amount of Rs.1.05 crores to the Prime Minister's Relief Fund, the bank guarantee in an amount of Rs. 19.62 crores furnished by the Appellant to the Respondent must be released by the Respondent. Such release must be by writing to the Appellant and the concerned Bank within a maximum of four weeks from the receipt of proof of payment of Rs.1.05 crores by the Appellant/concerned Authorities.

9. The appeals are disposed of in the above terms. The Interim Applications do not survive and are also disposed of. No costs.

10. All concerned to act on an authenticated copy of this order.

(Jitendra Jain, J.)

(M. S. Sonak, J.)