

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.11902 OF 2025
IN
WRIT PETITION NO.4356 OF 2021

Rihan Harshad Mehta ... Applicant
V/s.

Union of India,
Ministry of Home Affairs ... Respondent

Mr. Anoshak Daver with Ms. Ravina Rajpal with Ms. Archa Gala and Mr. Lavnish Kumar Sharma i/b VMH & Associates for the Applicant.

Mr. Rui Rodrigues with Mr. D. P. Singh for Respondent No.1-Union of India.

Mr. Asif Patel, Addl. G.P. with Ms. Savina R. Crasto AGP for Respondent-State.

Mr. Harsh Sheth i/b MDP Legal for Respondent No.4.

CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.

DATE : 25th NOVEMBER, 2025

ORDER : (PER BHARATI DHANGRE, J.)

1) In the wake of the decision of the Apex Court in Special Leave to Appeal (C) No.17194-17230 of 2024 dated 12/08/2024, when the decision of this Court delivered in case of ***Viraj Chetan Shah and others Vs. Union of India***¹ was subjected to challenge, and a direction being issued that if an application is filed seeking permission to travel abroad, the same shall be considered by the High Court and the present Application is placed before us.

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The permission is sought in the background that Look out Circular (LOC) being opened against the Applicant by the Bank of Baroda resulted in instituting a Writ Petition No.4356 of 2021 inter alia praying for quashing of the travel ban as well as Look of Circular.

2) By the judgment and order dated 23/04/2024, the LOC was quashed and set aside and the Petition was disposed of. However, in the wake of a subsequent development, the Union of India approached the Apex Court with a direction being issued by the Apex Court that appropriate permission for travel shall be sought from the High Court, the present Application is placed before us.

3) The application proceeds to state that the Applicant intends to travel abroad on 27/12/2025 to 31/01/2026.

The travel is necessitated in the wake of invitation received by the Petitioner by referring his engagement on consultancy basis with FRHUED INC, a company registered in USA and head quartered in New York city. The communication specifically refer for his physical presence to execute his deliverables as a part of his engagement in the company and it also provide that all expenses of his travel arrangement, accommodation and incidental cost will be borne by FRHUED INC, and he shall be remunerated as per the internal arrangement.

4) Mr. Daver would invite our attention to the previous orders being collectively placed at Exh.C, when the Petitioner made a similar request and was permitted to travel abroad, in the wake of the pending LOC, but as on date would submit that LOC is quashed and set aside, but the issue at large is pending before the Hon'ble Apex Court.

5) The learned Counsel appearing for the bank has vehemently opposed the Application and he would like to invite our attention to the false claim by the Petitioner as a consultant, but in any case, we are not concerned with the merits of matter as the Application only seek permission to travel abroad, in the wake of the directions issued by the Apex Court.

Further submission advanced is that there is no compliance of the direction issued by this Court on 19/12/2023, when he was directed to file an affidavit, setting out the expenses incurred by him during the travel as well as the source of income used for funding up the expenses with necessary proof has not been complied with. We are not convinced by the arguments advanced before us that, this non compliance will prevent us from granting a permission in favour of the Petitioner to travel, when he has specifically received a communication from the company in USA, asking him to be physically present to be a part of the project, as he is assigned a task to supervise and advice the production team on the new product development for HUEV products which are to be launched in 2026.

In any case, the invitation placed at Exh.C categorically state that all expenses including the travel arrangements, accommodation shall be borne by the company and, therefore, we are of the considered view that merely because in the past by an order, he was asked to disclose the details and that has not complied with, will be no ground for we preventing him to travel abroad, if otherwise, we find him to comply with our order.

6) Mr. Daver would concede to the fact that a detail travel itinerary for his travel is not placed before the Court, but he undertake that the itinerary shall be filed which shall include the day-today travel, his travel tickets, the places of the hotel at which he is going to seek accommodation while he is abroad.

We make it clear that it is only subject to the submission of this itinerary with a specific undertaking that he will return to India on or before 31/01/2026, he is permitted to travel abroad strictly as per the itinerary.

In addition, he is also directed to furnish the telephone numbers and shall also furnish the name of two contacts along with his relationship with them, along with their details including address of his wife as well as children who are going to stay back in India.

Subject to the aforesaid compliance being ensured by filing an undertaking as well as the the itinerary in this Court within a period of two

weeks from today, the Applicant is permitted to travel abroad from 27/12/2025 to 31/01/2026. Similarly a copy thereof shall also be forwarded to the Bank.

With this direction, application is disposed of.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)