

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2827/2022 WITH CIVIL APPLICATION NO.2538/2023

Anurag Padmesh Gupta .Vs. Bureau of Immigration, Ministry of Home Affairs,
through Commissioner (Immigration), New Delhi and Ors.

AND

WRIT PETITION NO.2995/2022

Anuradha Padmesh Gupta .Vs. Bureau of Immigration, Ministry of Home Affairs,
through Commissioner (Immigration), New Delhi and Ors.

AND

WRIT PETITION NO.2994/2022

Anuradha Padmesh Gupta .Vs. Bureau of Immigration, Ministry of Home Affairs,
through Commissioner (Immigration), New Delhi and Ors.

AND

WRIT PETITION NO.3078/2022

Padmesh Deodatta Gupta .Vs. Bureau of Immigration, Ministry of Home Affairs,
through Commissioner (Immigration), New Delhi and Ors.

AND

WRIT PETITION NO.3079/2022

Padmesh Deodatta Gupta .Vs. Bureau of Immigration, Ministry of Home Affairs,
through Commissioner (Immigration), New Delhi and Ors.

AND

WRIT PETITION NO.3080/2022

Anuradha Padmesh Gupta .Vs. Bureau of Immigration, Ministry of Home Affairs,
through Commissioner (Immigration), New Delhi and Ors.

AND

WRIT PETITION NO.5474/2022 WITH CIVIL APPLICATION NO. 3449/2023

Piyush s/o Late Rajesh Marodia.Vs. Bureau of Immigration, Ministry of Home
Affairs, through Commissioner (Immigration), New Delhi and Ors.

AND

WRIT PETITION NO.5473/2022 WITH CIVIL APPLICATION NO.3448/2023

Piyush s/o Late Rajesh Marodia .Vs. Bureau of Immigration, Ministry of Home
Affairs, through Commissioner (Immigration), New Delhi and Ors.

AND

WRIT PETITION NO.5475/2022 WITH CIVIL APPLICATION NO.3450/2023

Piyush s/o Late Rajesh Marodia .Vs. Bureau of Immigration, Ministry of Home
Affairs, through Commissioner (Immigration), New Delhi and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. D. V. Chauhan, Senior Advocate assisted by Mr. Santosh Ghate and Mr. C. J. Dhruv, Advocates for petitioner.
Mr. N. S. Deshpande, Deputy Solicitor General of India for respondent No.1
Mr.S.N.Kumar with Ms PM.Masodkar, Advocates for respondent - SBI.
Mr. A.T. Purohit with Mr. F. Y. Sharif, Advocates for respondents – PNB,UBI, BOB.

CORAM : ANIL L. PANSARE & ABHAY J. MANTRI, JJ.

DATE : FEBRUARY 25, 2025

Heard.

2. Various banks have issued 'Lookout Circulars' (hereinafter referred to as the, "LoC") against the petitioners in the respective petitions on account of payments due to the bank against the loans for which the petitioners stood guarantors.

3. The petitioners intend to travel abroad. The LoCs are causing impediment in their travel programmes.

4. In context with above, on 13.02.2025, following order was passed :

"1. Learned counsels appearing for the respondent - banks are seeking time to take instructions as regards the status of LOC, in view of the Judgment passed by the Division Bench of this Court in the case of Viraj Chetan Shah Vrs. Union of India through the Ministry of Home Affairs and another, reported in 2024 SCC OnLine Bom. 1195.

2. Time granted.

3. Stand over to 25/02/2025 at 2.30 p.m."

5. We are informed that the Division Bench in *Viraj's* case held that the banks have no authority to issue LoCs and accordingly the LoCs issued by banks in the said case were quashed and set aside.

3. Mr. Nandesh Deshpande, learned Deputy Solicitor General of India, submits that the Union of India has challenged the judgment

passed by Division Bench before the Hon'ble Supreme Court in Special Leave Petition Nos. 17194-17230/2024.

4. Mr. D. V. Chauhan, learned Senior Counsel for the petitioners, submits that there is no stay to the judgment passed by the Division Bench in *Viraj's* case.

5. Mr. S. N. Kumar, learned counsel for the State Bank Of India, submits that the bank has kept LoCs on hold, in view of the aforesaid judgment.

6. Mr. A. T. Purohit, learned counsel appearing for the Punjab National Bank, the Union Bank of India and the Bank Of Baroda, submits that he has not received instructions from the banks as regards withdrawal of the LoCs.

7. Thus, what transpires is that the Division Bench in *Viraj's* case has quashed and set aside the LoCs issued by the bank on the ground that it has no authority to do so. The said judgment is assailed before the Hon'ble Supreme Court but no stay has been granted. Further, none of the banks have challenged the judgment and thus, in a way, accepted the verdict.

8. That being so, we are of the considered view that the LoCs issued by the various banks, which are subject matters of the petition, would not stand to the scrutiny of law in terms of the law laid down by the Division Bench in *Viraj's* case.

9. Accordingly, for the reasons set out in *Viraj's* case, the LoCs issued by various banks are quashed and set aside. Having said so, nothing survives in the petitions and accordingly the petitions are disposed of. No order as to costs.

(Abhay J. Mantri, J.)

(Anil L. Pansare, J.)