HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 340 OF 2022

Writ Appeal under clause 15 of the Letters Patent Preferred against the order dated 29-04-2022 in I.A.No.1 of 2022 in W P No 7174 of 2021 on the file of the High Court.

Between:

Mr. Rajesh Agarwal, S/o Late Satyanarayan Agarwal, Aged about. 49 years, R/o. Signature One, Block B, 3rd Floor, Road No. 4, Banjara Hills, Hyderabad - 500034

...APPELLANT

AND

1. Union of India, Represented by its Secretary Ministry of Finance, New Delhi.
2. Bureau of Immigration, Ministry of Home Affairs, Represented by its Commissioner Shamshabad, Hyderabad.
3. The Airport Authority of India, Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi - 110 003.

   Having its Branch Office at. Begumpet, Hyderabad - 500 016.
4. UCO Bank, A Government of India Undertaking, No. 3, Raffles Place, Bharat Building, Singapore - 048 617. Rep. by its CEO, Mr. Rajeev Gupta.
5. UCO Bank, having its Head Office at. 10, B T M Sarani, Kolkata - 700 001.

   Also having its Branch Office at. Ground Floor, Navabharath Chambers, Punjagutta, Hyderabad - 500 082. Rep. by its Manager.
6. Union of India, Represented by its Secretary Ministry of Home Affairs, New Delhi.

...RESPONDENTS

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Impugned Order dated 29.04.2022 passed in I.A. No. 1 of 2022 in W.P. No. 7174 of 2021 and permit the Petitioner herein to travel to the USA in May and June 2022 for the treatment of his wife pending the disposal of the above Appeal.

IA NO: 3 OF 2022

Between:

1. UCO Bank, A Government of India Undertaking, No. 3, Raffles Place, Bharat Building, Singapore - 048 617. Rep. by its CEO, Mr. Rajeev Gupta.
2. UCO Bank, having its Head Office at. 10, B T M Sarani, Kolkata - 700 001.

   Also having its Branch Office at. Ground Floor, Navabharath Chambers, Punjagutta, Hyderabad - 500 082. Rep. by its Manager.

...APPELLANT

AND

1. Mr. Rajesh Agarwal, S/o Late Satyanarayan Agarwal, Aged about. 49 years, R/o. Signature One, Block B, 3rd Floor, Road No. 4, Banjara Hills, Hyderabad - 500034
2. Union of India, Represented by its Secretary Ministry of Finance, New Delhi.
3. Bureau of Immigration, Ministry of Home Affairs, Represented by its Commissioner Shamshabad, Hyderabad.
4. The Airport Authority of India, Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi - 110 003

   Having its Branch Office at. Begumpet, Hyderabad - 500 016.
5. Union of India, Represented by its Secretary Ministry of Home Affairs, New Delhi.

...RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant permission to the petitioners herein to initiate Recovery proceedings on the Securities lying with the Registrar (Judicial) of this Hon'ble Court by virtue of order dated 19/05/2022 passed in W.A.No. 340 of 2022 in the interest of justice.

Counsel for the Appellant: SRI TARUN G.REDDY

Counsel for the Respondent No.1, 2 & 6: SRI B.MUKHERJEE, REP. FOR
SRI GADI PRAVEEN KUMAR,
DEPUTY SOLICITOR GENERIAL OF INDIA

Counsel for the Respondent No.4 & 5: SMT M.SHALINI

The Court made the following: ORDER

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.340 of 2022

JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*:

Sri Tarun G. Reddy, learned counsel for the appellant; Sri B. Mukherjee, learned counsel representing Sri Gadi Praveen Kumar, learned Deputy Solicitor General of India, for respondent Nos.1, 2 and 6 and Smt. M. Shalini, learned Standing Counsel for respondent Nos.4 and 5.

2. Learned counsel for the appellant submits that this writ appeal was arising out of an interlocutory order dated 29.04.2022 passed in W.P.No.7174 of 2021. This Court, while entertaining the present writ appeal, passed an interim order. Relevant portion of which reads thus:

> "Having regard to the above made submissions, there shall be interim suspension of the impugned order dated 29.04.2022 passed in I.A.No.1 of 2022 in W.P.No.7174 of 2021, and the appellant is permitted to travel to United States of America for treatment of his wife, subject to condition of the appellant furnishing security of Immovable property worth Rs.30.00 Crores to the satisfaction of the Registrar (Judicial) of this Court. It is made clear that the appellant shall return back to India by 30.06.2022 without fail."

3. Learned counsel for the appellant submits that in obedience of this Court's order, the security of Rs.30.00 Crores was deposited before the Registrar (Judicial) of this Court. The appellant, in obedience of this Court's order, returned to India before 30.06.2022. In the meantime, the original W.P.No.7174 of 2021 was decided and allowed on merits on 06.10.2023. Thus, the Writ Appeal has rendered infructuous. However, since the said security was deposited pursuant to the order of this Court, the same may be permitted to be released.

4. Learned counsel for respondent Nos.1, 2 and 6 did not dispute the same.

5. However, learned Standing Counsel for respondent Nos.4 and 5 submits that the Bank's interest may be protected and the matter may be adjourned so that the security may not be released. The Bank has a claim against the aforesaid amount.

6. We are not able to persuade ourselves with the aforesaid line of argument of learned Standing Counsel for respondent Nos.4 and 5. This Writ Appeal was arising out of an interlocutory order which pales into insignificance in view of final decision by allowing W.P.No.7174 of 2021. If the Bank has any claim against the appellant, liberty is reserved to the Bank to avail the remedy in accordance with law.

7. With aforesaid, the Writ Appeal is **disposed of**. No costs. .

Interlocutory applications, if any pending, shall also stand closed.

SD/- M. MANJULA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Ministry of Finance, New Delhi, Union of India.
2. The Commissioner, Bureau of Immigration, Ministry of Home Affairs, Shamshabad, Hyderabad.
3. The Airport Authority of India, Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi - 110 003. Having its Branch Office at. Begumpet, Hyderabad - 500 016.
4. The CEO, Mr. Rajeev Gupta, UCO Bank, A Government of India Undertaking, No. 3, Raffles Place, Bharat Building, Singapore - 048 617.
5. The Manager, UCO Bank, having its Head Office at 10, B T M Sarani, Kolkata - 700 001. Also having its Branch Office at. Ground Floor, Navabharath Chambers, Punjagutta, Hyderabad - 500 082.
6. The Secretary, Ministry of Home Affairs, New Delhi, Union of India.
7. One CC to SRI TARUN G.REDDY, Advocate [OPUC]
8. One CC to SMT M.SHALINI, Advocate [OPUC]
9. One CC to SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERIAL OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
10. Two CD Copies

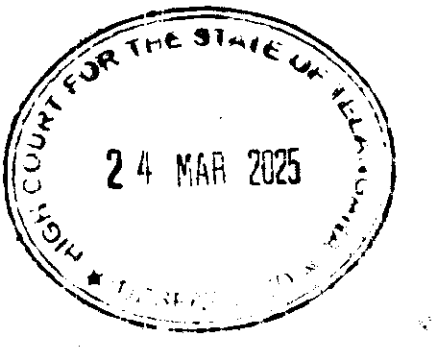
BSR
GJP

HIGH COURT

DATED: 17/02/2025

JUDGMENT

WA.No.340 of 2022



DISPOSING OF THE WRIT APPEAL,

WITHOUT COSTS

12
12/03/25