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30.12.2024
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Ct. 3

WPA 31029 of 2024

Gaurav Swarup

-vs-

Reserve Bank of India & anr.

Mr. Kishor Datta, Ld. Sr. Advocate
Mr. Billwadal Bhattacharyya, Sr. Adv
Mr. Ankur Chawla
Mr. Amir Khan
Mr. Aditya Mondal
Mr. Oishik Chatterjee

...for the petitioner

Heard the learned senior counsel appearing for the petitioner.

The petitioner relies upon Rule 8 (2) of the Foreign Exchange (Compounding Proceedings) Rules 2000 on the submissions that the petitioner's application for compounding has been returned without being disposed of in accordance with law. The said letter is dated 04.10.2024. It is submitted that the present writ petition could not be filed as the petitioner was not in the country during the intervening period and as such, the case of urgency is made out.

It appears by the said E-mail dated 04.10.2024, the application praying for compounding of the offence has been returned and not disposed of. The grievance

of the petitioner lies that though certain reasons have been mentioned in the said E-mail, it is submitted that returning an application without formal consideration is against the principle of natural justice.

Accordingly, the writ petition is disposed of with liberty granted to the petitioner to resubmit his application dated 12.02.2024 before the respective respondent authorities who shall then consider the said application dated 12.02.2024 submitted by the petitioner within a period of 30 days from the date of this order upon giving proper hearing to all the parties concerned and pass a reasoned order in accordance with law. Copy of which shall be served upon all the parties.

In view of the said directions, the E-mail dated 04.10.2024 returning the application stands quashed.

Parties shall act on a server copy downloaded from the official website of this Court.

(Shampa Dutt (Paul), J.)