

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 12371 of 2023**

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SUNIL SURENDRAKUMAR KAKKAD
Versus
UNION OF INDIA & ORS.

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Appearance:

MOHIT A GUPTA(8967) for the Petitioner(s) No. 1
KSHITIJ M AMIN(7572) for the Respondent(s) No. 1,2,3
MS NALINI S LODHA(2128) for the Respondent(s) No. 4

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CORAM: HONOURABLE MR. JUSTICE DEVAN M. DESAI

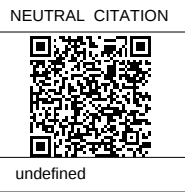
Date : 03/06/2025
ORAL ORDER

1. Heard learned Advocated Mr. Mohit A. Gupta for the Petitioner and learned Advocate Ms. Nalini S. Lodha for the respondent No. 4.

2. The present Civil Application is filed for the following reliefs:-

“(A) Your lordship be pleased to suspend the Look-out circular issued at the behest of Respondent No.4 bank till 31.08.2025 and to further permit the Applicant to travel outside India to U.A.E. till 31.08.2025 and to further direct the Respondents to not restrain the Applicant from traveling outside India to Dubai/U.A.E. till 31.08.2025 pending admission, final hearing and disposal of the present petition in the interest of justice.

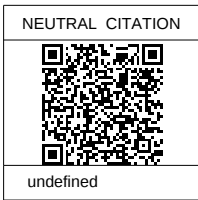
(B) Your lordship be pleased to suspend the Look-out circular issued at the behest of Respondent No.4 bank till



31.08.2025 and to further permit the Applicant to travel outside India to Dubai/U.A.E. till 31.08.2025 and to further direct the Respondents to not restrain the Applicant from traveling outside India to Dubai/ U.A.E. till 31.08.2025 pending admission, final hearing and disposal of the present Application in the interest of justice.

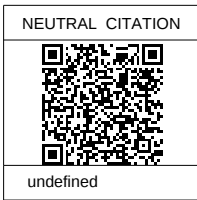
(C) Your Lordships be pleased to pass such other and further orders, which may be deemed fit in the interest of justice."

3. Learned Advocate for the Applicant submits that Applicant wishes to travel U.A.E. for the period between 07.06.2025 to 27.06.2025 and filed additional affidavit on 02.06.2025 which is taken on record. It is further submitted that Co-ordinate Bench of this Court by various orders, which are placed on record by way of separate compilation dated 02.06.2025, has permitted the present Applicant to travel out of India on various dates. On each and every occasion, a separate undertaking has been filed by the Applicant in terms of the orders passed by the Co-ordinate Bench of this Court. It is submitted that the Applicant intends to travel U.A.E. for the purpose of exploring business opportunities with companies to outsource that back-end IT Support & Enterprises Resource Planning software requirements to India. Purchase orders have been secured by Applicant with regard to the aforesaid purpose. It is further submitted that the Applicant is required to travel U.A.E. for successful implementation of the order. The reliance is also placed upon the orders passed by Co-



ordinate Bench of this Court dated 23.10.2024, 12.12.2024, 10.01.2025, 25.02.2025, 09.04.2025, 09.05.2025, 19.05.2025.

4. Per contra, Learned Advocate Ms. Nalini Lodha for Respondent No.4 has filed affidavit-in-reply on behalf of the Respondent No.4 on 02.06.2025 which is taken on record and further submitted that the applicant has not paid a single penny to the various banks which have advanced huge credit facilities to Sai Infosystem (India) Ltd. of which the applicant is a promoter and key Director. Ms. Lodha submitted that the applicant is trying to take benefit of so-called legal acumen in escaping from the liability for repayment of huge decretal dues instead of using the same for settling the huge outstanding dues of various lenders. Ms. Lodha has submitted that if any such permission is granted to the applicant, there are all chances that the applicant may flee from justice and thereby the proceedings pending before various forums would be unnecessarily delayed. She further submits that the applicant has submitted a Repayment Plan by way of Affidavit dated 28.08.2024 under Section 105 of IBC for a sum of Rs.50 Lakhs to various stakeholders against the amount of Rs.29,47,62,43,121.00 claimed by them which is payable in 18 months from the effective date. That the said repayment plan submitted by the applicant as personal guarantor has been dissented by all the creditors and the last date to cast vote was 15.10.2024. It is pertinent to note that the applicant in the Repayment Plan has disclosed the gross asset value as Rs.45,63,000/-. Ms. Lodha, the learned advocate has submitted



that the application of the applicant is devoid of merits and the same is rejected on 29.04.2025 and the creditors are now permitted to file an application seeking declaration of bankruptcy.

5. Considering the averments made in the application and in affidavit-in-reply on behalf of the Respondent No.4 and more particularly, in absence of any serious contention made by rest of the Respondents, I am of the view that application requires consideration. The Applicant is permitted to travel U.A.E. from 07.06.2025 to 27.06.2025 on fulfilling following conditions:-

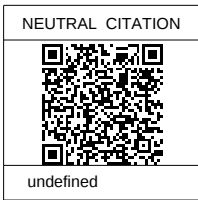
(a) The lookout circular, which is duly produced by the Opponent Bank, shall not come in the way of the applicant from traveling abroad, as per the itinerary provided.

(b) Exact itinerary, including contact details of places of stay is directed to be furnished by way of an undertaking before departure, to the Registry of this Court.

(c) The applicant shall abide by the said undertaking and shall return in accordance with the itinerary provided by the applicant failing which, it will be open for this Court to initiate appropriate steps in accordance with law.

(d) The applicant shall deposit an amount to the tune of Rs.25lakh by Demand Draft in the name of Registrar, High Court of Gujarat, which shall be deposited in the Account, which shall be returned to the applicant, after the applicant returns, for which no formal order of this Court will be required.

(e) The applicant shall not seek any further extension to continue stay, except for the itinerary that would be placed before the Registry.



(f) The applicant shall not open or close any bank account overseas and shall not enter into any kind of property transactions abroad.

(g) The applicant shall not seek any adjournment in any proceedings before any authority and/ or Court on the ground that the applicant is traveling abroad.

(h) The Immigration Authorities at all ports of departure including airports are directed to permit the applicant to clear immigration and board the flights.

(i) The Respondent Bank shall inform the Bureau of Immigration-respondent No.3, so that the necessary instructions can be issued.

(j) The Bureau of Immigration will update its systems to permit the free passage of the applicant in accordance with this order.

(k) All concerned including all Immigration Authorities at all Airports will act on an authenticated copy of this order.

6. In view of the above, present Civil Application is hereby allowed to the aforesaid extent.

Himal

(D. M. DESAI,J)