

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH.P.

TUESDAY, THE 12TH DAY OF MAY, 2020/22ND VAISAKHA, 1942

W.P(C) NO.9848 OF 2020

PETITIONER:-

IDBI BANK LTD., REGISTERED OFFICE AT IDBI TOWER,
WTC COMPLEX, CUFFE PARADE, COLABA, MUMBAI-400005,
HAVING ONE OF ITS BRANCH OFFICE AT
PANAMPILLY NAGAR, KOCHI-682036,
REPRESENTED BY ITS DEPUTY GENERAL MANAGER

BY ADV. DEEPU THANKAN

RESPONDENTS: -

1. COMMISSIONER OF CUSTOMS, CUSTOMS HOUSE,
WILLINGTON ISLAND, KOCHI- 682 004
2. DEPUTY COMMISSIONER, AIR CARGO,
COCHIN INTERNATIONAL AIRPORT LTD.,
NEDUMBASSERRY, ERNAKULAM - 682 031
3. DEPUTY COMMISSIONER, AIR CARGO,
KANNUR INTERNATIONAL AIRPORT LTD.,
KANNUR - 670 702
4. DEPUTY COMMISSIONER, AIR CARGO,
CALICUT INTERNATIONAL AIRPORT,
KARIPPUR - 673 647.
5. DEPUTY COMMISSIONER, AIR CARGO,
TRIVANDRUM INTERNATIONAL AIRPORT,
THIRUVANANTHAPURAM - 695 008
6. UNIMONI FINANCIAL SERVICES LIMITED.,
CORPORATE OFFICE AT 3RD FLOOR,
AIRLINES BUILDING, M. G. ROAD, KOCHI- 682 011,
REPRESENTED BY ITS MANAGING DIRECTOR

BY GOVERNMENT PLEADER SRI.K.P.HARISH

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 12.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Admit.

2. The Standing Counsel takes notice for R1 to R5. Issue notice by speed post to R6. The petitioner shall also endeavour to serve notice on R6 through email/whatsapp message.

3. I have heard Sri. G. Sreekumar, learned Senior Counsel who appeared on the instructions of Sri. Deepu Thankan, for the petitioner and Sri. Sreelal Warriar, the learned Senior Standing Counsel appearing for respondents 1 to 5.

4. Sri. G. Sreekumar, the learned Senior Counsel points out the terms of Ext.P1 sanction letter which clearly show that the foreign currency is the primary security for the advances extended by the petitioner to the sixth respondent and that the foreign currency is hypothecated to the petitioner bank. He states that there is a substantial chance of the foreign currency being exported and that the petitioner has already approached the customs authorities with a request to

prevent such export without permission from the petitioner bank. He also states that the Civil Courts are not functional on account of the lock down situation and therefore it is also not possible for the petitioner to obtain any order by approaching the Civil Court.

5. In view of the fact that valuable security of the petitioner may be removed from the country and since such removal will cause extreme prejudice to the petitioner, there shall be an interim order as prayed for, for a period of one month.

Post immediately after service of notice.

**GOPINATH P.
JUDGE**

APPENDIX

PETITIONERS EXTS.

EXHIBIT P-1 : TRUE COPY OF THE SANCTION LETTER DATED 3/12/2018

EXHIBIT P-2 : TRUE COPY OF THE COMMUNICATION BY THE PETITIONER TO THE SIXTH RESPONDENT DATED 07/05/2020

EXHIBIT P-3 : A TRUE COPY OF THE LETTER BY THE PETITIONER TO THE RESPONDENTS 1- 5 DATED 08/05/2020

EXHIBIT P-2: TRUE COPY OF THE CIRCULAR NO. ADM/SENIORITY LIST/2019-20 DATED 27.4.2020 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P-3 : TRUE COPY OF THE MEMORANDUM NO. ADM/PRO/1/2014-15 DATED 1.1.2016 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P-4: TRUE COPY OF THE EMAIL DATED 6.1.2016 SUBMITTED BY THE PETITIONER.

EXHIBIT P-5: TRUE COPY OF THE MEMORANDUM NO. ADM/PRO/1/2016-17 DATED 30.1.2017 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P-6: TRUE COPY OF THE MEMORANDUM NO. ADM/TRA/01/2018-19/5178 DATED 1.1.2019 OF THE 2ND RESPONDENT.

EXHIBIT P-7 : TRUE COPY OF THE CIRCULAR NO. ADM/SENIORITY LIST/2019-20/3545 DATED 26.2.2020 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P-8 : TRUE COPY OF THE REPRESENTATION DATED 28.4.2020 SUBMITTED BY THE PETITIONER.

EXHIBIT P-9: TRUE COPY OF THE REPRESENTATION DATED 30.4.2020 SUBMITTED BY THE PETITIONER.

EXHIBIT P-10: TRUE COPY OF THE LETTER NO. 5/6/2018-PLANT -D DATED 4.2.2020 OF THE DEPARTMENT OF COMMERCE, MINISTRY OF COMMERCE AND INDUSTRY.