

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN**

Friday, the 24th day of November 2023 / 3rd Agrahayana, 1945
WP(C) NO. 25774 OF 2022 (V)

PETITIONER:

DR. T.M.THOMAS ISAAC AGED 69 YEARS

RESPONDENTS:

1. THE DEPUTY DIRECTOR, DIRECTORATE OF ENFORCEMENT, GOVERNMENT OF INDIA, KOCHI ZONAL OFFICE, KANOOS CASTLE, A.K.SESHADRI ROAD, MULLASSERRY, CANAL ROAD WEST, KOCHI, PIN - 682001
2. THE ASSISTANT DIRECTOR, DIRECTORATE OF ENFORCEMENT, GOVERNMENT OF INDIA, KOCHI ZONAL OFFICE, KANOOS CASTLE, A.K. SESHADRI ROAD, MULLASSERRY CANAL ROAD WEST, PIN - 682001
3. ADDL.R3 THE RESERVE BANK OF INDIA, FOREIGN EXCHANGE DEPARTMENT, CENTRAL OFFICE, EXTERNAL COMMERCIAL BORROWINGS DIVISION, MUMBAI [ADDL.R3 IS SUO MOTU IMPEADED AS PER ORDER DATED 10.10.2022 IN WP(C) 25774/2022]

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the respondents not to initiate any coercive proceedings pursuant to Exhibit P1 and P5 summons against the petitioner.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 16.10.2023 and upon hearing the arguments of M/S.N.RAGHURAJ, NANDAGOPAL S.KURUP, VIVEK MENON & SAYUJYA Advocates for the petitioner, SRI.A.R.L.SUNDARESAN, ASSISTANT SOLICITOR GENERAL OF INDIA instructed by SRI.JAISHANKAR V.NAIR (By Order), STANDING COUNSEL for R1 & R2 and of SRI. MILLU DANDAPANI for Addl.R3, DEPUTY SOLICITOR GENERAL OF INDIA and of the Senior Counsel instructed by Sri. B.G.HARINDRANATH (By Order), the Court passed the following:

DEVAN RAMACHANDRAN, J.

WP (C) Nos.25774/2022 & 26228/2022,

Dated this the 24th day of November, 2023

ORDER

These matters have been heard substantially today on various issues, including the jurisdiction of the Enforcement Directorate (ED) to cause investigation and continue it.

2. However, by the various earlier interim orders of this Court, the investigation has not been interdicted.

3. The learned Senior Counsel, instructed by Sri.B.G.Harindranath, submitted that investigation being conducted by the ED, in a seemingly *ad infinitum* manner, is causing serious prejudice to his client and

therefore, that this Court requires to step in.

4. Sri.A.R.L.Sundaresan - learned Additional Solicitor General of India (ASGI), instructed by Jaishankar V.Nair, learned Standing Counsel for the ED, submitted that his clients are willing to issue fresh summons to the petitioners and other persons who are within the scope of investigation; and pleaded that this Court allow its competent Authority to do so.

5. I am of the opinion that the afore suggestion of the learned ASGI ought to be acceded to, because any such summons would also certainly be subject to further review by this Court in these proceedings.

6. I, therefore, clarify that the pendency of these writ petitions will not stand in the way of the ED issuing fresh summons to any

person, including the petitioners, and to continue investigation; however, subject to further orders from this Court.

List for further consideration on 01.12.2023, with the consent of all sides. The earlier interim orders will stand so modified.

Sd/-

DEVAN RAMACHANDRAN
JUDGE



akv