

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-10-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

REV.APLWP CrI. No. 12 of 2026

in

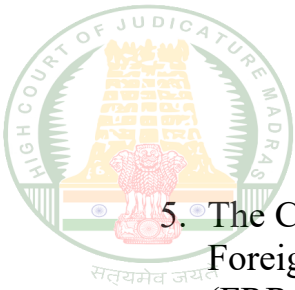
W.P. CrI. No.1951 of 2026

Bank of Baroda (Formerly Vijaya Bank)
Rep by its Authorised Officer/Branch Manager,
Stressed Asset Management Branch,
168, 1st Floor, Express Estate, Mount Road,
Anna Salai, Chennai, Tamil Nadu 600 002.

..Petitioner

Vs

1. Kondepati Ganga Prasad
S/o Late Surya Rao,
No.142, Eshavaasya, 2nd Main Road,
J Nagar, Panayur,
Chennai 600 019.
2. Union of India,
Rep by the Secretary,
Ministry of Home Affairs,
North Block,
New Delhi 110 001.
3. The Bureau of Immigration,
Rep by its Commissioner of Immigration,
Ministry of Home Affairs,
Government of India,
East Block-VIII, R.K.Puram,
New Delhi 110 066.
4. The Joint Secretary (Foreigners Division).
Ministry of Home Affairs,
Government of India,
Major Dhyan Chand National Stadium,
Near Pragati Maidan,
New Delhi 110 001.



5. The Commissioner of Immigration
Foreigners Regional Registration Office
(FRRO),
No.26, Shastri Bhawan Annexe Building,
26, Haddows Road, Nungambakkam,
Chennai – 600 006.

..Respondents

Prayer: Review Petition filed under Order XLVII Rule 1 of the Code of Civil procedure read with Section 151 of CPC and Article 226 of the Constitution of India praying to review the order dated 24.08.2026 passed in W.P.CrI.No.1951 of 2026 in the light of the material facts suppressed by the Respondent No.1 and the errors apparent on the face of the records in W.P.CrI.No.1951 of 2026.

For Petitioner: Ms. Revathi Manivannan

For Respondents: Mr. Arvind Pandian, Senior Counsel
for Mr. Sandeepkumar for R-1

Mr. G. Subramanian for RR-2 to 5

ORDER

Heard Ms.Revathi Manivannan for the Review Petitioner and Mr.Arvind Pandian, Senior Counsel for Mr.Sandeep Kumar for the 1st respondent.

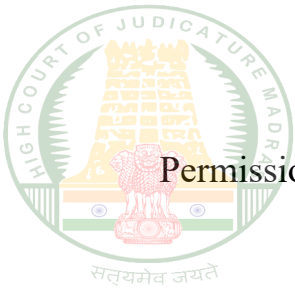
2. The 1st respondent herein, as the Writ Petitioner had moved this Court in W.P CrI.No.1951 of 2026, seeking a direction with respect to revocation/ withdrawal/recall of Look Out circulars issued by the respondent nos.1 to 4 at the instance of the 5th respondent therein.



3. The writ petitioner claimed that he was a promoter director of an entity by name M/s.GVR Infra Projects. This entity had taken a loan from M/s.Vijaya Bank. It defaulted. In the meantime, Vijaya Bank merged with Bank of Baroda. The latter as a financial creditor had initiated proceedings invoking the IBC against M/s.GVR Infra Projects in C.P.No.941 of 2018. A resolution plan was approved by the NCLT. It was put in force and the debt against the principal debtor had been satisfied. Since the LOC continued against the petitioner, as he was a guarantor, he made a representation and filed the aforesaid Writ Petition.

4. When the writ petition came up for hearing, this Court issued a notice to the Central Government as well as to the Standing Counsel for the 5th respondent therein. The Central Government counsel reported that the LOC had been opened on the requisition of the Bank of Baroda. The counsel for the bank had already produced an E-mail stating that the loan account had been closed pursuant to the resolution plan but reported the bank wanted the continuance of the LOC. Considering these circumstances, this Court came to the conclusion that the respondents remove the LOC so as to enable him to go about his life normally.

5. Thereafter, two other writ petitions came to be filed in W.P.No.2503 of 2026 and W.P.No.2483 of 2026. When these Writ Petitions came for admission, Ms.Revathi Manivannan, appearing for the Bank, reported that it is aggrieved by the order passed in this Writ Petition and sought permission to move a review.



Permission was granted. Review was moved.

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6. It is the plea of Ms.Revathi Manivannan that the order of this Court requires to be reviewed on the following grounds:-

- i) Though the debts against the principal debtors had been extinguished, as the petitioner is the guarantor, LOC has to be kept alive.
- ii) It is her further plea that the resolution professional had advised the banks to initiate bankruptcy proceedings against the writ petitioner. This suggestion is under active consideration by the review petitioner and it is discussing it with other consortium banks. This fact had been suppressed by the writ petitioner from this Court.
- iii) Finally, the Supreme Court in S.L.P (Civil) Nos.17194 to 17230 of 2024, on 12.08.2024, had directed that if persons like the petitioner want to travel abroad, they have to seek permission from the High Court before proceeding further.

7. I have carefully considered the submissions of Ms.Revathi Manivannan I have gone through the records.

8. At the outset, I should point out that none of the points raised by Ms.Revathi Manivannan had been placed by the Review Petitioner at the time of hearing of the Writ Petition. These points are not discovery of a new facts but it seems to be an attempt to re-agitate the correctness of the order passed by this High Court under the guise of a Review. It is a settled position of law that the



review is not an appeal in disguise [*See, Parison Devi V.Sitri Devi, (1997) 8 SCC*

715].

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9. Furthermore, before finding whether the writ petitioner has suppressed material facts, it is the duty of the bank to point out to this Court whether such facts are material for the purpose of consideration of this proceeding. All facts need not be disclosed to the Court. Relevant facts alone need to be disclosed.

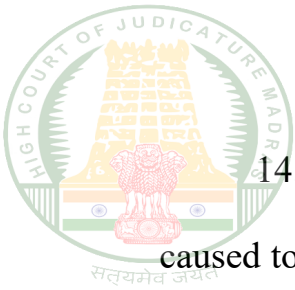
10. A perusal of the e-mail sent by Dr.S.R.Shriraam Sekar, the resolution professional appointed by the Consortium of Banks, dated 08.04.2026 shows that the stakeholders were called upon to initiate further proceedings as the repayment plan that was proposed by the Writ Petitioner had been rejected. The Writ Petitions came to be filed by the end of September 2026 and the e-mail was sent in April, 2026. To a pointed question as to what transpired between April to September, Ms.Revathi Manivannan reports that the Financial Institutions are still in inter-se consultations and confabulations, in order to conclude their further course of action. Therefore, it is clear that as on today, the Review Petitioner has not taken the advice given by the resolution professional any further. When further proceedings have not been initiated, the petitioner cannot be accused of having suppressed facts.



11. It is the plea of Ms.Revathi Manivannan that the petitioner, being a guarantor to M/s.GVR Infra Projects, should not be permitted to leave the shores of this Country. This Court enquired if any complaint had been lodged by the Bank of Baroda with the Central Bureau of Investigation or with the local police authorities alleging that the activities of the writ petitioner and his co-directors are fraudulent. The answer of Ms.Revathi Manivannan is in negative. The bank has to make a differentiation between a borrower, who with a fraudulent intention received the loans from the bank and another who has taken a decision, which the bank might consider foolish or even idiotic, and has resulted in a loss.

12. No business venture is commenced with an intention to create a loss but such is the nature of life that not every business is successful. The bank, while issuing the loan, is well aware that all loans are not going to be repaid and some are bound to become sticky or Non-Performing Asset. I should point out that the Bank of Baroda, for the very purpose, has a separate branch called the stressed accounts branch. This shows that the number of sticky accounts with the Bank of Baroda are so high that it requires a special attention of team of officers.

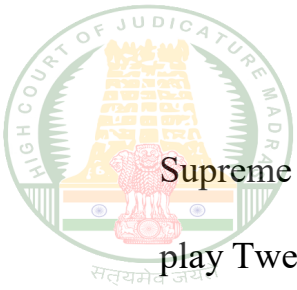
13. For a mere fact that a citizen of this Country raises a mortgage loan does not mean that he has mortgaged his constitutional and legal rights, lock, stock and barrel, with the bank.



14. As much as the petitioner is responsible for the loss that has been caused to the bank, the bank should have also prosecuted the officials who were responsible for having cleared the loan in favour of the petitioner. The bank has not done so because it is very well aware that it was the business decision taken by the managerial authorities at that relevant point of time to clear the loan in favour of the petitioner. When there is no fraud, either at the instance of the petitioner or at the instance of the managerial staff of the bank, for the mere fact that the petitioner is a defaulter, he cannot be forced to stay within the four corners of this country in order to ensure that the amounts are re-paid.

15. The plea of the petitioner, at the time of hearing of the writ petition, was that he proposes to go abroad to earn and come back and repay the amount. Meanwhile, the bank asks the writ petitioner to pay their money and then go abroad. This is a catch-22 situation. If the bank wants the money, the petitioner has to earn it. The petitioner in his wisdom has decided to go abroad to earn it. The bank says till he pays the amount, he should not be permitted to go abroad. This vicious circle has to be broken.

16. Furthermore, insofar as the order of the Supreme Court, which Ms.Revathi Manivannan relates to proceedings which challenge the very executive order issued by the Ministry of Home Affairs in empowering the banks to write to bureau of immigration and raise LOCs, even in such cases, the



Supreme Court did not ask the Writ Petitioners to stay back in this Country and play Tweedledum and Tweedledee. It permitted them to go abroad, after securing permission.

17. A reading of the order passed by the Supreme Court makes it clear that it was confined only to the petitioners in that case and it was not a direction passed under Article 141 of the Constitution for all persons who want to go abroad. The right to travel freely across the world is a fundamental right. It is enshrined under Article 21 of the Constitution of India as declared by the Supreme Court in ***Maneka Gandhi Vs. Union of India, (1978) 1 SCC 248***. In order to have a restriction of that right, it should be in accordance with law.

18. 'Law' under Article 21 implies a legislation. A letter written by the Manager of the bank to the Bureau Of Immigration cannot be treated as "law". If a Nationalized Bank is permitted to do this, then every private creditor or NBFCs would also be emboldened to approach the police for issuance of LOC to prevent their debtors from going abroad. God forbid the debtors from being thrown at the mercy of wolves of creditors. All these observations are made only to point out that the constitutional rights of the petitioner does not come to an end with the commencement of mortgage with the review petitioner's bank.



19. I find no error apparent on the face of the record. Nevertheless, I considered all the points urged by Ms.Revathi Manivannan. I find no merits in them.

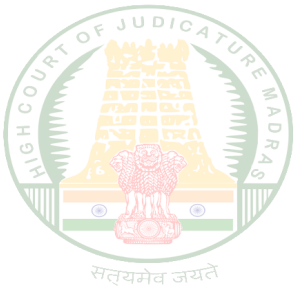
20. For the abovesaid reasons, the Review Petition is dismissed. No costs.

01-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

NHS

Note Office: Upload order copy on 06.10.2026.



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To



V.LAKSHMINARAYANAN, J.

NHS

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Rep by the Secretary,
Ministry of Home Affairs,
North Block,
New Delhi 110 001.
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