



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 5691 OF 2021 (GM-FE)

C/W

WRIT PETITION NO. 4711 OF 2021 (GM-FE)

IN WP No. 5691/2021

BETWEEN:

GREENPEACE ENVIRONMENT TRUST
WITH REGISTERED OFFICE AT
NO. 49/23
2ND CROSS STREET
ELLAIYAMMAN COLONY
GOPALPURAM
CHENNAI - 600 086
REPRESENTED BY ITS AUTHORIZED SIGNATORY

...PETITIONER

(BY SMT. MONICA PATIL.,ADVOCATE)

AND:

1. UNION OF INDIA
MINISTRY OF FINANCE
NORTH BLOCK, CABINET SECRETARIAT
RAISINA HILL, NEW DELHI - 110 001
REPRESENTED BY ITS SECRETARY
2. THE SPECIAL DIRECTOR
OFFICE OF THE SPECIAL DIRECTOR OF ENFORCEMENT
DIRECTOR OF ENFORCEMENT
SOUTHERN REGIONAL OFFICE
3RD FLOOR MURUGESAN COMPLEX, NO.84
GREAMS ROAD
CHENNAI - 600 006





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WP No. 5691 of 2021
C/W WP No. 4711 of 2021

3. BASAVARAJ R MAGADUM
ASSISTANT DIRECTOR
DIRECTORATE OF ENFORCEMENT
3RD FLOOR, B BLOCK, BMTC,
SHANTHINAGAR-TTMC, KH ROAD,
BENGALURU-27.

4. DIRECTORATE OF ENFORCEMENT
BENGALURU ZONAL OFFICE
3RD FLOOR, B BLOCK,
BMTC SHANTHINAGAR TTMC
K H ROAD, SHANTHINAGAR
BANGALORE - 560 027

REPRESENTED BY THE JOINT DIRECTOR

...RESPONDENTS

(BY SRI. UNNIKRISHAN M., CGC FOR R1 TO R4)

THIS WRIT PETITION IF FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION,
QUASHING THE SHOW CAUSE NOTICE DATED 25.02.2020 BEARING
NO. T-4/SRO/SDE/BGZO/01/2020 ISSUED BY R2 ANNEXURE-A AND
ETC.

IN WP NO. 4711/2021
BETWEEN:

GREENPEACE INDIA SOCIETY
A SOCIETY REGISTERED UNDER THE TAMIL NADU
SOCIETIES REGISTRATION ACT 1975
WITH REGISTERED OFFICE AT NEW NO.47 (OLD NO.22)
2ND CROSS STREET,
ELLAIYAMMAN COLONY,
GOPALAPURAM,
CHENNAI-6000086
REPRESENTED BY ITS EXECUTIVE DIRECTOR

...PETITIONER

(BY SMT. MONICA PATIL.,ADVOCATE)

AND:



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C/W WP No. 4711 of 2021

1. UNION OF INDIA
MINISTRY OF FINANCE,
NORTH BLOCK,
CABINET SECRETARIAT,
RAISINA HILL,
NEW DELHI-110001
REPRESENTED BY ITS SECRETARY
2. THE SPECIAL DIRECTOR
OFFICE OF THE SPECIAL DIRECTOR OF ENFORCEMENT,
DIRECTORATE OF ENFORCEMENT,
SOUTHERN REGIONAL OFFICE,
3RD FLOOR, MURUGESAN COMPLEX,
NO.84, GREAMS ROAD,
CHENNAI-600006
3. BASAVARAJ R MAGADUM
ASSISTANT DIRECTOR,
DIRECTORATE OF ENFORCEMENT,
BENGALURU.
4. DIRECTORATE OF ENFORCEMENT
BENGALURU ZONAL OFFICE,
3RD FLOOR,
B BLOCK,
BMTC SHANTHINAGAR, TTMC,
K H ROAD,
SHANTHINAGAR,
BANGALORE-560027
REPRESENTED BY THE JOINT DIRECTOR
...RESPONDENTS

(BY SRI. UNNIKRISHAN M., CGC FOR R1 TO R4)

THIS WRIT PETITION IF FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION, QUASHING THE SHOW CAUSE NOTICE DATED 25.02.2020 BEARING NO. T-4/SRO/SDE/BGZO/01/2020 ISSUED BY R2 ANNEXURE-A AND ETC.

THESE WRIT PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner in W.P.No. 5691/2021 is before this

Court seeking for the following reliefs:

- a. *Issue a writ of certiorari or any other writ, order or direction, quashing the show cause notice dated 25.02.2020 bearing T-4/SRO/SDE/BGZO/01/2020 issued by R2 (Annexure-A).*
- b. *Consequently, issue a writ of certiorari or any other writ, order or direction, quashing the complaint dated 25.10.2019 bearing No. T-3/BGZO/96/2018 filed by the R3 before the R2 (Annexure-B).*
- c. *Grant such other reliefs as this Hon'ble Court deems fit in the above circumstances of the case, in the interests of justice and equity.*

2. The petitioner in W.P.No. 4711/2021 is before this

Court seeking for the following reliefs:

- a. *Issue a writ of certiorari or any other writ, order or direction, quashing the show cause notice dated 25.02.2020 bearing T-4/SRO/SDE/BGZO/01/2020 issued by R2 (Annexure-A).*
- b. *Consequently, issue a writ of certiorari or any other writ, order or direction, quashing the complaint dated 25.10.2019 bearing No. T-3/BGZO/96/2018 filed by the R3 before the R2 (Annexure-B).*
- c. *Grant such other reliefs as this Hon'ble Court deems fit in the above circumstances of the case, in the interests of justice and equity.*



3. The submission of learned counsel for the petitioners is that the lis in the above matters is covered by the decision dated 6.12.0224 of a Coordinate Bench of this Court in the case of **Mrs.Kshithija Urs -v- Union of India and others** [WP No.1418/2021]. Since the proceedings in the present matter had also been initiated after the omission of Section 6(3)(b) of the Foreign Exchange Management Act, 1999 [**'FEMA'** for short], there is no particular dispute about the said position.
4. In that view of the matter, applying the dicta laid down by the Coordinate Bench of this court in its order dated 6.12.2025 passed in W.P. No.1418/2021, the above petition is require to be allowed. As such, I pass the following:

ORDER

- i. The Writ petitions are allowed.



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- ii. A certiorari is issued. The show cause notice dated 25.02.2020 issued by respondent No.2 at Annexure-A in both the petitions are quashed.
- iii. The complaint dated 25.02.2019 filed by respondent No.3 at Annexure-B in both the petitions are quashed.

SD/-
(SURAJ GOVINDARAJ)
JUDGE

LN
List No.: 2 Sl No.: 32