



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 14582 OF 2026 (GM-RES)

BETWEEN:

1. ACADEMY FOR SEVERE HANDICAPS AND
AUTISM (ASHA)
REGISTERED UNDER TRUSTS ACT, 1882
NO.L-76/A, OPP L-50,
KIRLOSKAR COLONY, HBCS,
IIIND STAGE IV BLOCK
BASAVESHWARANAGAR
BANGALORE-560 079
REPRESENTED BY ITS DIRECTOR
MRS. JAYASHREE RAMESH

... PETITIONER

(BY SRI. MAYA HOLLA., ADVOCATE)

AND:

1. UNION OF INDIA
MINISTRY OF HOME AFFAIRS
KARTHAVYA BHAVAN-3
NORTH BLOCK,
NEW DELHI - 110 001
REPRESENTED BY ITS SECRETARY.
2. MINISTRY OF HOME AFFAIRS
FOREIGNERS DIVISION (FCRA WING)
MAJOR DHYANCHAND NATIONAL STADIUM,
NEW DELHI - 110 001
REPRESENTED BY ITS JOINT SECRETARY.
3. STATE BANK OF INDIA
MAIN BRANCH
N.D MAIN BRANCH 11, PARLIAMENT STREET
NEW DELHI NCT OF DELHI-110 001
REPRESENTED BY ITS MANAGER

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



4. STATE BANK OF INDIA
WEST OF CHORD ROAD BRANCH
NO.8604 MODI HOSPITAL ROAD
POORNA SHASHI SANKEERNA
BANGALORE-560 086
REPRESENTED BY ITS MANAGER

... RESPONDENTS

(BY SRI. ADITYA SINGH, CGC A/W
SRI ARAVIND KAMATH, ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION, QUASHING THE ORDER DATED 29.06.2024 PASSED BY THE RESPONDENT NO.2 REFUSING TO RENEW THE FCRA REGISTRATION OF THE PETITIONER (ANNEXURE-S) AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Sri Aditya Singh, learned CGC accepts notice for respondent Nos.1 and 2.
2. Sri Vignesh S. Shetty, learned counsel accepts notice for respondent Nos.3 and 4.
3. The Petitioner is before this Court seeking for the following reliefs:
 - a) *Issue a Writ of Certiorari or any other writ, order or direction, quashing the Order dated 29.06.2024 passed by the Respondent No.2 refusing to renew the FCRA Registration of the Petitioner (**Annexure-S**);*
 - b) *Issue a Writ of Certiorari or any other writ, order or direction, quashing the Order dated 07.11.2025*



*passed by the Respondent No.2 refusing to renew the FCRA Registration of the Petitioner (**Annexure-Z**);*

- c) *Issue a Writ of Certiorari or any other writ, order or direction, quashing the Order dated 03.12.2025 passed by the Respondent No.2 refusing to renew the FCRA Registration of the Petitioner (**Annexure-AA**);*
- d) *Issue a Writ of Mandamus directing the Respondent No.2 to renew FCRA Registration No.094420912 belonging to the Petitioner as per application No.0300012932021 dated 10.06.2021 (**Annexure-R**);*
- e) *Issue a Writ or direction to de-freeze the FCRA SBI Bank account No.40068189206 with the New Delhi main branch and SBI Account No.54002285710 with Dr. Modi Hospital Road Bangalore branch belonging to the Petitioner (**Annexures-AC and AC1**);*
- f) *Direct the Respondent No.2 to pay the costs of the above Writ Petition and grant such other and further reliefs as may be necessary in the interest of justice;*
- g) *Grant such other and further reliefs as are just, including the costs of this Writ Petition.*

4. The petitioner claims to be a charitable trust established in the year 1995. It is stated to be registered with the Ministry of Social Justice and Empowerment, Government of India, the Department of Empowerment of Differently Abled and Senior Citizens, Government of Karnataka, and is also registered with the NITI Aayog Darpan portal for the purpose of receiving Corporate Social



Responsibility (CSR) contributions. The petitioner is also stated to be enjoying tax exemption benefits under the applicable statutory provisions. According to the petitioner, it is a pioneering institution engaged in the field of rehabilitation, education and empowerment of children and individuals with deformities and autism and has, over the years, developed comprehensive child-centric and family-centric support systems under a single institutional framework.

5. It is not in dispute that the petitioner had secured registration under the Foreign Contribution (Regulation) Act, 2010 (for short, "the FCRA") and had been receiving foreign contributions for carrying out its activities. The records indicate that the petitioner initially obtained registration under the FCRA in the year 2001 and that such registration had been periodically renewed from time to time without interruption. The last application for renewal was submitted on 29.04.2021. The said application came to be rejected by a communication dated 29.06.2024. Aggrieved thereby, the petitioner preferred an appeal, which also came to be rejected by an order dated 07.11.2025. It is these orders



which are under challenge in the present proceedings.

6. Learned counsel appearing for the petitioner submits that throughout the period during which the petitioner held a valid FCRA registration, there has been no allegation of diversion, misappropriation, siphoning or personal misuse of foreign contributions. The foreign contributions received by the petitioner have been utilised exclusively for charitable and welfare activities undertaken by the institution. It is her submission that substantial amounts have been spent towards educational programmes, rehabilitation services and welfare initiatives directed at children and persons with disabilities.
7. Learned counsel further submits that during the COVID-19 pandemic, when the State and society were confronted with unprecedented challenges, the petitioner utilised a portion of the foreign contributions for emergency relief measures, including the procurement and distribution of oxygen concentrators and other medical assistance to hospitals and healthcare institutions across the State of Karnataka. According to her, the utilisation of



funds was motivated solely by humanitarian considerations and undertaken for the benefit of society at large during a period of national crisis.

8. Learned counsel contends that there has been no finding by the authorities that the funds were misappropriated, diverted for personal gain or utilised for any unlawful activity. The only objection appears to be that certain expenditures incurred during the COVID-19 period may not have strictly fallen within the purposes for which the earlier registration had originally been granted. She submits that when the expenditure itself has been incurred for public welfare and humanitarian purposes, such utilisation ought not to result in the drastic consequence of denial of renewal, particularly in the case of an institution which has been functioning under a valid FCRA registration for nearly twenty-five years.
9. According to learned counsel, the authorities ought to have considered the nature of the activities undertaken, the absence of any allegation of financial impropriety and the substantial contribution made by the petitioner towards public welfare before taking a



decision affecting its ability to receive foreign contributions in future.

10. Per contra, Sri Aravind Kamath, learned Additional Solicitor General of India, submits that the rejection order must be viewed in its proper perspective. According to him, the rejection of the renewal application does not amount to a permanent disqualification imposed upon the petitioner. He submits that the authorities have merely declined renewal of the earlier registration having regard to the purposes for which that registration had originally been granted and the manner in which the funds were subsequently utilised.
11. Learned AGA submits that it is always open to the petitioner to make a fresh application seeking registration under the appropriate category by clearly specifying the nature of activities proposed to be undertaken. According to him, if a fresh application is submitted indicating both educational and social welfare activities as its objects and purposes, the competent authority would consider the same in accordance with law and on its own merits. He therefore submits that the impugned order does not



foreclose the petitioner's ability to seek registration afresh.

12. The aforesaid submission, to a considerable extent, addresses the grievance voiced by the petitioner. The primary concern of the petitioner appears to be that the rejection of the renewal application may operate as a permanent impediment and adversely affect its ability to continue its charitable activities. Once it is clarified by the State that a fresh application is maintainable and capable of being considered independently on its own merits, the apprehension expressed by the petitioner stands substantially alleviated.
13. At this stage, learned counsel for the petitioner submits that substantial amounts received by way of foreign contributions under the earlier registration continue to remain in the designated bank accounts maintained by the petitioner. It is her submission that such funds were received lawfully during the subsistence of a valid registration and represent donations intended by contributors for utilisation towards the charitable objects of the petitioner. Therefore, the petitioner ought not to be deprived of



the benefit of such funds merely because the renewal application has subsequently been rejected.

14. According to her, any interpretation which prevents utilisation of funds lawfully received during the validity of the registration would adversely affect the beneficiaries of the institution and defeat the very purpose for which such contributions were made.
15. Having considered the rival submissions, this Court is of the view that certain broad facts are not in dispute. The petitioner has been functioning as a charitable institution for several decades. It had been granted FCRA registration as early as in the year 2001 and the same had been renewed from time to time. There is no allegation before this Court that the foreign contributions received by the petitioner were diverted for personal gain, misappropriated or utilised for any unlawful purpose.
16. The principal objection appears to arise from the fact that during the COVID-19 pandemic the petitioner utilised a portion of the funds for activities which, according to the authorities, may not have strictly fallen within the specific objects for which the earlier registration had been granted. However, it cannot be lost sight of that the activities in question were



admittedly undertaken during an extraordinary public health emergency and were directed towards providing assistance to hospitals and healthcare institutions. The expenditure incurred was thus for public welfare and not for any private or impermissible purpose.

17. In these circumstances, this Court is of the considered opinion that the rejection of the earlier renewal application ought not to operate as a stigma or as a disqualification against the petitioner while considering any fresh application that may hereafter be submitted. The competent authority, while examining such an application, shall independently assess the same on its own merits, having regard to the objects of the institution, its past conduct, compliance with statutory requirements and such other relevant factors as may be applicable under law, without being unduly influenced by the rejection of the earlier renewal application.
18. If a fresh application is submitted by the petitioner, the same shall be considered in accordance with law and by taking into account the fact that the activities undertaken during the COVID-19 period were admittedly intended for public welfare and



humanitarian purposes during an unprecedented crisis.

19. Hence, this Court passes the following:

ORDER

- i) Writ petition is **Partly allowed**.
- ii) The petitioner is permitted to submit a fresh application seeking registration under the provisions of the Foreign Contribution (Regulation) Act, 2010. If such an application is submitted, the respondents shall consider the same independently on its own merits, without being influenced by the rejection of the earlier renewal application, and pass appropriate orders thereon within the period prescribed under the statute.
- iii) While considering the fresh application, if the respondents require any clarification, information, document or explanation from the petitioner, the same may be called for, and the petitioner shall furnish such particulars within the time stipulated by the respondents. Thereafter, a reasoned decision shall be taken in accordance with law.
- iv) It is made clear that the foreign contributions and funds received by the petitioner during the subsistence of the earlier valid registration, and which continue to remain in the designated bank accounts of the petitioner, shall be disclosed by the petitioner to the respondents. Upon grant of fresh registration, such amounts shall continue to remain to the credit of the petitioner and may be dealt with in accordance



with the provisions of the Act and the conditions governing such registration.

- v) It is further clarified that the rejection of the earlier renewal application shall not, by itself, be treated as a disqualification or adverse factor while considering the fresh application, particularly when the utilisation of the funds during the COVID-19 period was admittedly for public welfare and humanitarian purposes and there is no finding of misappropriation, diversion or personal enrichment.
- vi) All contentions of the parties, except to the extent concluded by this order, are left open.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

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List No.: 1 Sl No.: 4