

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12515 of 2016

DATE OF DECISION: JUNE 22, 2016

AVITAL POST STUDIOZ LIMITED

...PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.

1. Whether the judgement should be reported in the digest? Yes/No

PRESENT: MR. SUJAY KANTAWALA, ADVOCATE FOR THE PETITIONER.
MR. V.K. KAUSHAL, ADVOCATE FOR THE RESPONDENTS.
M. JEYAPPAUL, J.

1. Heard the elaborate submissions made by learned counsel appearing for the writ petitioner as well as learned counsel appearing for the respondents.

2. The petitioner-company having its office at Zirakpur, Punjab has employed Mr. Muhammad Ali son of Ghulam Ali aged 52 years, Pakistani inhabitant (Passport No.RK1792192 dated 29.7.2013) for a period of 5 years under agreement dated 16.3.2016 found appended as Annexure P-

1. Mr. Muhammad Ali who is a Pakistani citizen is an Artist and very renowned Ghazal Singer known for his live performances across India. The Arts Council of Pakistan has certified that he is a permanent Vocalist of Pakistan. In pursuance of the employment agreement Mr. Muhammad Ali has entered into with the petitioner, he is required to exclusively perform in India for the petitioner within a duration of the such employment contract, i.e. 5 years.

It is submitted by learned counsel appearing for the writ petitioner-company that the application of such a renowned Artist Mr.Muhammad Ali for Employment Visa was not accepted by the High Commission of India in Pakistan despite the recommendation of the petitioner in terms of the employment agreement and the said Artist got only single entry visa for 6 months commencing from 17.5.2016 and ending on 16.11.2016, for a stay not exceeding 30 days in India. As advised by the High Commission of India in Islamabad, multiple entry visa for a period of 2 years was applied on 8.6.2016 with the letter dated 7.6.2016, so as to enable him to execute the employment agreement with his performances at various places in India. It was informed that his performances were scheduled in Mumbai on 18.6.2016 and in Chandigarh on 23.6.2016. It was also placed on record that the application for employment visa was not being accepted online. After arrival in India, letter dated 9.6.2016 was submitted to respondent No.3 to extend his visa for 6 months with multiple entries. The visa was revalidated by the Authorities for 6 months with double entry from 18.6.2016 to 17.12.2016 with additional places. The Artist fulfills all the requisite criteria for considering grant of Employment Visa. The Artist arrived in India on 19.5.2016 and started performing live concerts in various cities in furtherance of the said employment agreement. As per employment agreement, the petitioner-company has agreed to pay USD 25,000/- per annum to Mr. Muhammad Ali apart from percentage of total revenue collected from shows. He has not violated any condition of visa granted to him. He is required to perform at various places in India on

behalf of the petitioner-company. The passport of the Artist is valid till 28.7.2018 and he would get the same renewed when required. Learned counsel also submitted that inadvertently, it was mentioned that he has applied for extension of his visa till the validity of passport instead of 6 months with multiple entries. The said renowned Artist Mr. Muhammad Ali had for the time being left India and would be returning back for further performance, *inter alia*, in Chandigarh and Amritsar. It was thus submitted that the Artist is entitled for grant of multiple visa till the validity of the employment contract which, for the time being, can be issued for validity of the passport and thereafter be renewed for the balance period of the employment agreement after grant of new passport, permitting performance at any place throughout India except prohibited places, if any, specified in such employment agreement visa. If the reliefs are not considered, the petitioner-company which has entered into a contract with ensured minimum payment liability towards the Artist would also suffer unwarranted losses, harm and prejudice.

Vide interim order dated 14.6.2016, a direction was issued by this Court to respondents No.2 and 3 to process the application submitted by Mr. Muhammad Ali, an Artist from Pakistan seeking employment visa as expeditiously as possible. In the meanwhile, the single entry visa granted to Mr. Muhammad Ali was extended with multiple entries.

Now in view of the above submissions, since the Authorities have extended visit visa for 6 months with only double entry, the same is directed to be considered for conversion into a multiple entry visa for 6

months for the time being for performance at any place in India except prohibited places as notified by the Government. An application for the same shall be processed in 5 working days on submission.

In view of the above peculiar facts and circumstances, I have perused the conditions for grant of employment visa. It appears that all mandatory conditions are being fulfilled in the instant case for grant of employment visa. I, therefore, direct that respondents No.2 and 3 would accept and process the application for grant of multiple entry employment visa of Mr. Muhammad Ali for 2 years (the date of expiry of his current passport being 28.7.2018) for performance at any place in India, except such prohibited places as may be notified by the Government and pass necessary orders within a period of 1 week from the date of submission of a physical copy of the application for the same alongwith this order. The same may be considered for renewal thereafter for the balance validity period of employment contract on renewal of passport if the terms of visa are not violated. The petitioner-company would ensure good conduct and discharge of tax liability in India, if any, of the Artist.

The writ petition stands disposed of in the aforesaid terms.

June 22, 2016
Gulati

(M. JEYAPPAUL)
JUDGE