

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1911 OF 2017

Maulana Mohammad Ali Johar Education Society,
Through its President .. **Petitioner**

Versus

The Union of India and another .. **Respondents**

Shri G. R. Syed, Advocate for the Petitioner.
Shri Sanjeev B. Deshpande, A.S.G. for Respondent Nos. 1 and 2.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVALA, JJ.

DATE : **18th April, 2018**

PER COURT :

1. Mr. Syed, learned counsel for the petitioner submits that the registration of the petitioner under The Foreign Contribution (Regulation) Act, 2010 (hereinafter referred to 'Act - 2010') has been cancelled under the impugned order. The learned counsel submits that, Section 14 Sub-section 2 of the Act – 2010, has not been adhered to. The petitioner is not given opportunity of hearing, and as such, the order is bad in law. No notice was issued to the petitioner.

2. Mr. Deshpande, learned A.S.G. submits that, petitioner was issued with the notice for non submission of mandatory annual returns. Petitioner gave reply and admitted that the returns have not been filed. The reason given was absence of any transaction. The order is rightly passed.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. It appears that, the petitioner was given the notice on account of non submission of mandatory annual returns. The petitioner in his reply dated 28.2.2015 accepted that the FCRA returns for the period 2009 - 2010 to 2013 - 2014 are not filed. The reason given was absence of transaction.

5. It is not disputed that filing of returns is mandatory. The petitioner in his reply admitted of not filing the returns and gave the reason also. When the petitioner admitted the factum of non filing of returns and also gave an explanation that there were no transactions no further clarification could be given by the petitioner so as to harp on the aspect that oral hearing was not

given to him. As it is three years would lapse in June – 2018, the petitioner can take fresh steps thereafter.

6. Considering the overall conspectus of the matter, no case for interference is made out.

7. The petitioner has right to take steps as laid down under the statute.

8. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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