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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 3.5.2018.

+ **W.P.(C) 4696/2014**

**BANGLAR MANABADHIKAR SURAKSHA
MANCH (MASUM)**

..... Petitioner

Through: Mr. Bijan Ghosh with Mr. P. Jegan
and Mr. R. Deb, Advs.

versus

UNION OF INDIA

..... Respondent

Through: Mr. Sarfaraz Ahmad, Adv.

CORAM:-

HON'BLE MR. JUSTICE RAJIV SHAKDHER

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RAJIV SHAKDHER, J. (ORAL)

1. This is a writ petition whereby a challenge is laid to the order dated 4.10.2013, passed by the Government of India, Ministry of Home Affairs. Since the impugned communication is brief, the relevant part is extracted hereafter:

*“NDCC-II Building,
First Floor (FCRA Wing),
Opposite to Jantar Mantar
Jai Singh Road,
New Delhi- 110001
Date: 04/10/2013*

*To,
The Chief Functionary
Banglar Manabadhikar Suraksha Mancha
40A Barabagan Lane
Serumpore Hooghly
West Bengal-712203*

Subject: Request for Registration under the Foreign

Signature Not Verified
Digitally Signed
By:AMULYA

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Contribution (regulation) Act, 2010.

Sir/Madam,

Please refer to your application dated 07/04/2012 seeking grant of registration for your association under Foreign Contribution (regulation) Act, 2010.

Your request has been carefully considered by the central Government but it is regretted that the same cannot be agreed to, as it has been found that:

I. Case pending in court against General Secretary of the association.

In terms of Rule 9. (1) (c) of the Foreign Contribution (regulation) Act, 2011, you may, if you so desire, submit a fresh online application complete in all respects along with all the required supporting documents only after 6 months from the date of cessation of this application. The online applications to be made on this ministry's website http://mha.nic.in/fcrawebfc_online.htm.

Yours faithfully,

Sd/-

(GOPAL JHA),

Under Secretary to the Government of India

Tel No. 23438042."

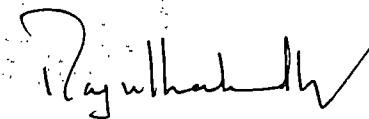
2. It is contended by Mr. Ghosh, who appears for the petitioner, that FIR No.134/2008, dated 9.6.2008, had been registered at Taltola Police Station, Kolkata. This FIR was lodged, I am told, against, one, Mr. Kirty Roy, who, I am told, is the General Secretary of the petitioner organisation. Against the said FIR, a petition under Article 226 of the Constitution was filed, which was dismissed by the learned Single Judge of the Calcutta High Court. The petitioner carried the matter in appeal. The Division Bench vide order dated 10.3.2014, passed in FMA 1317/2010, dismissed the appeal.

Against the order of the Division Bench, the matter has been carried to the Supreme Court. The Supreme Court in SLP No.6123/2014 has stayed the proceedings against the petitioner. It is to be noted that in these proceedings also, the petitioner before this Court is being represented by Mr. Kirty Roy.

3. Given these circumstances, counsel for the petitioner says that in terms of the impugned communication, writ petitioner wishes to apply once again to the concerned authority to obtain registration under section 11(1) of the Foreign Contribution (Regulation) Act, 2010.

4. Accordingly, writ petition is disposed of with a direction giving leave to the writ petitioner to apply afresh for registration under the provisions of the Foreign Contribution (Regulation) Act, 2010 to the concerned authority. If such an application is filed, the concerned authority will dispose of the said application by a speaking order within six weeks from the date of the receipt of that application.

5. In case, the writ petitioner is aggrieved by the decision taken by the concerned authority, it will have liberty to assail the said decision in a manner known to law.



RAJIV SHAKDHER, J

MAY 03, 2018/pmc