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

+ W.P.(C) 8785/2018 & CM Appln. No.33776/2018

BRETT ALLEN LAFFIEN Petitioner
Through Mr. Dhiraj Philip, Advocate.

versus

UNION OF INDIA Respondent
Through Mr. Rajesh Gogna, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

% **ORDER**
04.10.2018

1. The petitioner has filed the present petition being aggrieved by the action of the respondent in refusing the petitioner entry into India despite the petitioner holding a five year multiple entry business visa.
2. The petitioner claims to be associated with the company named Renes Sports Management International LLC – a company incorporated in USA. In July 2017, the petitioner applied for a business visa with the Indian Embassy at Atlanta, Georgia, USA. He claims that he visited India for prospecting business opportunities on behalf of Renes Sports Management International LLC, in the field of sports consulting and concept development with an affiliated company incorporated in Bangalore (Renes Sports Management Pvt. Ltd.). On 11.08.2017, the petitioner was issued a multiple entry business

visa (VK3797209), which was valid till 10.08.2022. On the strength of the said visa, the petitioner entered India on 23.08.2017. On 18.07.2018, the petitioner travelled from India to Bali (Indonesia) for a short vacation. He returned to India on 29.07.2018. Although the petitioner had a valid visa, he was denied entry at the Airport and was compelled to travel back to USA. The petitioner was not informed of any reason as to why his entry was denied. It is in the aforesaid circumstances that the petitioner has filed the present petition.

3. On 19.09.2018, this Court had called upon the respondent to produce the relevant files. This was to ascertain the reason why petitioner was denied entry to India.

4. Although the files have not been produced, the respondent has filed a counter affidavit. The said affidavit indicates that the petitioner was denied entry on the assumption that he was employed with M/s Renes Sports Management Pvt. Ltd., Banagalore, which was impermissible as the petitioner did not hold an employment visa.

5. Concededly, there was no material to arrive at this conclusion except a telephone conversation that was supposedly held between the Immigration Officer and one Mr. Vijay Kumar, Director of M/s Renes Sports Management Pvt. Ltd. The counter affidavit also indicates that the respondent has proceeded on the basis that the petitioner was employed in this country and was drawing a remuneration of US\$ 24,000 per annum.

6. The petitioner disputes the said statement. He has also produced an email from Mr. Vijay Kumar confirming that the petitioner has never drawn any remuneration or salary from M/s Renes Sports Management Pvt. Ltd.,

Bangalore. Mr. Vijay Kumar also states that he never spoke to FRRO /FRO official with regard to the petitioner either on phone or in person. The fact whether the petitioner has drawn any remuneration or salary from M/s Renes Sports Management Pvt. Ltd., Bangalore is easily verifiable. But the respondent has no concrete material for arriving at the said conclusion. It also appears that the confusion is caused because the name of the Indian company – Renes Sports Management Pvt. Ltd. – is similar to the US company – Renes Sports Management International LLC, which employs the petitioner.

7. In the aforesaid view, this Court considers it apposite to direct the respondent to examine the averments made in the pleadings and reconsider its decision. If there is no material to substantiate that the petitioner was employed in India, his entry into the country (on a valid visa) shall not be obstructed. The concerned FRRO shall also communicate the decision by email to learned counsel appearing for the petitioner as well as the respondent within a period of two weeks from today.

8. The petition is disposed of with the aforesaid observations. The pending application also stands disposed of.

9. Copy of this order be given *dasti* under the signatures of the Court Master.

VIBHU BAKHRU, J

OCTOBER 04, 2018

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