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

+ W.P.(C) 5958/2019

M/S HIBA EXPORTS INDIA

..... Petitioner

Through: Mr Harshad V. Hameed and
Muhammed Siddick, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr Rajesh Gogna, CGSC for R-1
with Mr Sumit Goel, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **27.05.2019**

CM No.25804/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 5958/2019 & CM No.25803/2019

2. The petitioner has filed the present petition, *inter alia*, praying that the respondent be directed to grant registration to the petitioner as a Private Tour Operator (PTO) for conducting Haj Tour, 2019.

3. The petitioner's application has been denied, primarily, for the reason that the petitioner does not meet the eligibility criteria of having conducted Haj and/or Umrah operation in the preceding two years. In terms of the policy for Haj Group Organisers for Haj 2019-23, eligible Haj Operators are categorised into three categories. The eligibility criteria as set out in the said policy is reproduced below:-

Category	Criteria	Quota sharing ration
Category-1*	HGOs having experience of 12 or more Haj with annual turnover of Rs.5 crore or more from Haj and/or Umrah operations in any of the preceding two years and fulfilling other terms and conditions given in Annexure-1 and II for being eligible as an HGO.	30% of the total quota will be earmarked for category-1* HGOs. Eligible HGOs under this category will be allotted not more than 120 seats each. Distribution of quota will be as per the procedure given in Section B.
Category-1	HGOs having experience of minimum 7 Haj with annual turnover of Rs.3 crore or more from Haj and/or Umrah operations in any of the preceding two years and fulfilling other terms and conditions given in Annexure-1 and II for being eligible as an HGO.	40% of the total quota will be earmarked for category-1 HGOs. Eligible HGOs under this category will be allotted not more than 100 seats each. Distribution of quota will be as per the procedure given in Section B.
Category-2	HGOs having annual turnover of Rs. One Crore or more from Haj and/or Umrah operations in any of the preceding two years and fulfilment of other terms and conditions given in Annexure-1 and II for being eligible as an HGO. HGOs should have one or more years	30% of the total quota will be earmarked for Category-2 HGOs. Eligible HGOs under the category will be allotted minimum of 50 seats each. Distribution of quota will be as per the procedure given in Section B.

	of Haj experience and new HGOs having facilitated a minimum of 50 Umrah pilgrim in a year for any 5 years.	
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4. Admittedly, the petitioner does not qualify the eligibility criteria since the petitioner has not conducted any Haj/ Umrah in the preceding two years.
5. Mr Gogna, learned counsel appearing for the respondent states that the said policy was challenged by certain persons but the said challenge was repelled and the said policy was upheld by the Supreme Court.
6. In any view of the matter, this policy is not under challenge in this petition and as noticed above, it is apparent that the petitioner does not meet the eligibility criteria.
7. In view of the above, the present petition is unmerited and is, accordingly, dismissed. The pending application is also dismissed.
8. It is however clarified that nothing stated in this petition shall preclude the petitioner from challenging the Haj Policy-2019-23, in accordance with law.

VIBHU BAKHRU, J

MAY 27, 2019
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