

\$~24

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 13896/2018 & CM No. 54249/2018  
**SOCIETY FOR HIMALAYAN AGRICULTURE**  
**& RURAL DEVELOPMENT** ..... Petitioner  
Through: Mr Awnish Kumar alongwith Mr  
Govind Keshav, Advocates.

versus

UNION OF INDIA ..... Respondent  
Through: Mr Jasmeet Singh, CGSC with Mr  
Srivats Kaushal, Advocate for UOI.

**CORAM:**  
**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**  
% **16.07.2019**

1. The petitioner has filed the present petition, *inter alia*, impugning a communication dated 06.04.2015 cancelling the petitioner's registration under the Foreign Contribution (Regulation) Act, 2010 (FCRA, 2010). A plain reading of the impugned order indicates that the said action was taken by the Central Government on account of violation of Section 18 of the FCRA, 2010 read with Rule 17(1) of the Foreign Contribution (Regulation) Rules, 2011. This was on account of the petitioner failing to deposit the necessary annual returns for several years.
2. The petitioner claims that, thereafter, it filed a return for the years 2006-07 to 2014-15. The learned counsel appearing for the petitioner has also drawn the attention of this Court to a letter dated 16.07.2016, under cover of which the said returns had been filed.
3. There is no dispute that the petitioner had complied with the

necessary regulations for filing the said returns *albeit* belatedly. This is clear from the letter dated 19/20.07.2016 issued by the Central Government, acknowledging that the petitioner had filed the returns on 18.07.2016 and calling upon the petitioner to submit an application for compounding of the offence under Section 41 of the FCRA, 2010 by payment of compounding charges.

4. Admittedly, the petitioner has also paid the penalty as required. The petitioner's grievance is that despite complying the aforesaid directions, the petitioner's registration under the FCRA, 2010 has not been restored.

5. Notice in this petition was issued on 21.12.2018 and the respondents were granted an opportunity to file a counter affidavit. Despite sufficient opportunity, the respondents failed to file the counter affidavit within the specified time. On 02.04.2019, once again, four weeks' time was granted to the respondents to file a counter affidavit. The said opportunity has also not been availed. In these circumstances, this Court does not consider it apposite to grant any further time for completion of the pleadings. The averments made in the petition remain uncontested.

6. The respondent is directed to restore the petitioner's registration under the FCRA, 2010 within a period of one week from today.

7. It is clarified that this would not preclude the respondent from taking any action if violation of any other provisions of the Foreign Contribution (Regulation) Act, 2010 is found against the petitioner.

8. The petition is allowed in the aforesaid terms. The pending application is disposed of.

9. Order *dasti* under signatures of the Court Master.

**JULY 16, 2019/MK**

**VIBHU BAKHRU, J**