

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.7773 of 2020

and

W.M.P.Nos.9159 & 10816 of 2020

New Hope Foundation

represented by its Managing Trustee,

Mr.John Auzon,

Puthuthottam Keel Padappai Kanchipuram,

Tamil Nadu.

...Petitioner

Vs

The Secretary to Government of India

Ministry of Home Affairs,

Foreigners Division,

1st Floor, Major Dhyan Chand National Stadium,

India Gate Circle,

New Delhi - 110 001.

...Respondent

Prayer:

Writ Petition filed under Section Article 226 of the Constitution of India praying Writ of Certiorarified Mandamus to call for the entire records of the impugned order dated 11.02.2020 in No.II/21022/58(34)/2020-FCRA(MU) of the respondent, quash the same and consequently, direct the respondent to grant permission to the petitioner trust to continue and to accept foreign contribution for Economic, Education and Social Programme.

For Petitioner

:

Mr.C.Vidhusan

For Respondents

:

Mr.Venkatasamy Babu

Standing Counsel

ORDER

This matter is taken up for hearing through Video-Conferencing mode.

2. This Writ Petition is filed challenging the order of suspension dated 11.02.2020 issued by the respondent under Section 13 of the Foreign Contribution (Regulation) Act, 2010.

3. Heard both sides.

4. The contention of the learned counsel for the petitioner is that the impugned suspension order was passed in violation of principles of natural justice. He further contended that the questionnaire was issued by the respondent for taking action to cancel the certificate, which was issued only on 19.02.2020 i.e., subsequent to the issuance of the suspension order. Therefore, he contended that the suspension order cannot be sustained in the eye of law. The learned counsel, in support of his submission, relied on the orders passed by this Court in W.P.No.2013/2005 and Delhi High Court in W.P.(C).No.4982/2013.

5. On the other hand, the learned counsel appearing for the respondent submitted that huge funds received from foreign contributions have been diverted by the petitioner not to the object for which the petitioner foundation was formed and therefore, action is being taken for cancelling the certificate and therefore, the petitioner was also issued with the questionnaire, to which, they have given their reply. Thus, he contended that the final order will be passed by the respondent under section 14, after giving due opportunity of hearing to the petitioner.

6. On the other hand, the learned counsel for the petitioner submitted that till an order is passed, the suspension order challenged in this writ petition has to be stayed so as to enable the petitioner to receive the foreign contribution.

7. Upon hearing both sides, it is seen that the impugned order of suspension was issued for a period of 180 days from 11.02.2020, which is going to expire on 08.08.2020. Considering the fact that the petitioner was already issued with the questionnaire and they have also filed their reply and that the suspension order is going to expire within 10 days, I am of the view that without expressing any view on the merits and contentions raised by both parties, the writ petition can be disposed of as follows.

8. Accordingly, this Writ Petition is disposed of, by directing the respondent to pass final order within a period of three weeks from today. It is made clear that before passing such final order, the respondent shall give an opportunity of

personal hearing to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mk/vsi

To

The Secretary to Government of India
Ministry of Home Affairs,
Foreigners Division,
1st Floor, Major Dhyan Chand National Stadium,
India Gate Circle,
New Delhi - 110 001.

W.P.No.7773 of 2020

SVI (CO)
KKV/03/08/2020



WEB COPY