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

\+ W.P.(C) 13744/2019 & CM Nos. 55362/2019, 55363/2019 & 55364/2019

EDARA FLAHUL MUSLEMEEN

..... Petitioner

Through: Mr.Neeraj Malhotra, Sr. Adv. with Mr.Animesh Kumar & Mr.Nishant Kumar, Advs.

versus

UNION OF INDIA

..... Respondent

Through: Ms.Monika Arora, CGSC with Mr.Harsh Ahuja & Mr.Kushal Kumar, Advs. with Mr.Anil Kumar Dhasmana, Under Secretary. Mr.Apar Chopra, GP.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

O R D E R

% **07.01.2020**

1. This petition has been filed challenging the order dated 18.10.2019 passed by the respondent cancelling the registration of the petitioner under the Foreign Contribution Regulation Act, 2010 (hereinafter referred to as the 'Act') on the ground that the mandatory annual report for the year 2017-18 had not been uploaded by the petitioner on the FCRA portal even after extension of the date granted by the respondent and repeated notices of such failure being issued to the petitioner.

2. The learned senior counsel for the petitioner submits that the petitioner had infact duly uploaded the annual report for the year 2017-18 on the portal of the respondent on 05.01.2019, that is within the extended

period. He further submits that in the list of the entities for the State of Bihar, which have not uploaded the Annual Return for the year 2017-18 available on the portal of the respondent, the name of the petitioner is not reflecting. As far as the notices are concerned, he submits that only an e-mail dated 22.05.2019 was received by the petitioner, which also had a rider in the following terms:-

> *"Note: Please ignore this communication, if you have already submitted AR for the year 2017-18."*

3. He submits that as the petitioner had already submitted its annual report, the petitioner did take any further action on the said e-mail.

4. The learned senior counsel for the petitioner further submits that on receipt of the Impugned Order, the petitioner duly made a representation against the same by its letter dated 01.11.2019, however, has not received any response from the respondent.

5. Relying upon Section 14(2) of the Act, he submits that the action of cancellation of the registration could not have been taken by the respondent without giving a reasonable opportunity of being heard to the petitioner.

6. On the other hand, the learned counsel for the respondent submits that the petitioner had not filed the annual return for the year 2017-18. He submits that the same has not been reflected even in the Dashboard of the petitioner. He submits that the print out of the purported return handed over by the learned senior counsel for the petitioner during the course of the hearing, is not the return filed by the petitioner as it does not reflect the date of submission nor the mandatory watermark that would be evident for an appropriate submission being made.

7. Having considered the submissions made by the learned counsels for

the parties and taking a specific note of the submission made by the learned senior counsel for the petitioner that the petitioner had duly submitted the annual return for the year 2017-18 on 05.01.2019; in the list of entities for State of Bihar which have not uploaded the Annual Returns for the year 2017-18; the name of the petitioner does not appear; as also that several associations were facing difficulty in generating a Unique Id under Darpan portal due to various reasons because of which the last date of filing the annual return has been extended by the respondent itself till 31.03.2019, in my opinion, the petitioner has made out a sufficient case that its representation should be considered by the respondent, albeit in form of a post decisional hearing.

8. While considering such representation the respondent shall grant an opportunity of hearing to the petitioner and pass a speaking order thereon within a period of three weeks from today.

9. Needless to say, if the petitioner is aggrieved of the decision taken by the respondent on such representation, it shall be open to the petitioner to challenge the same in accordance with law.

10. This order is being passed keeping in view the peculiar facts as presented by the petitioner and would not be treated as a precedent.

11. The petition is disposed of in the above terms.

Dasti.

NAVIN CHAWLA, J

JANUARY 07, 2020/*rv*