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

+ **W.P.(C) 10688/2019 & CM 44180/2019**

MARIGOLD CHARITABLE SOCIETY Petitioner

Through: Ms.Vanita Bhargava, Mr.Ajay Bhargava,
Mr.Aseem Chaturvedi, Mr.Milind Sharma, Advs.
(Mobile-9730856136).

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr.Ajay Digpaul, CGSC, UOI/R-1.
Mr.Saransh Garg, Adv. for Mr.P.K.Bhalla, Adv.
for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **26.02.2020**

1. This petition has been filed by the petitioner challenging the impugned communication dated 28.03.2019 issued by the respondent no.1 refusing to renew the registration of the petitioner under the Foreign Contribution (Regulation) Act, 2010 (hereinafter referred to as the 'Act') on the ground that on inquiry and examination, it was found that the petitioner was not undertaking reasonable activities in its chosen field for the benefit of society for which the foreign contribution is proposed to be utilized.

2. The learned counsel for the petitioner submits that the petitioner had been filing regular Intimations under Section 18 of the Act read with Rule 17 of the Foreign Contribution (Regulation) Rules, 2011 (hereinafter referred to as the 'Rules') and the respondent no.1 never raised any objection to the utilization of the funds reflected

in such Intimations. She further submits that the petitioner had also made a representation dated 06.06.2019 to the respondent no.1, which has not been considered by the respondents.

3. The learned counsel for the petitioner further submits that the petitioner merely seeks to utilize the Foreign Contribution that has already been received by it for the purpose for which it was so received.

4. The learned counsel for the respondent no.1 on the other hand, submits that the petitioner had failed to apply for renewal of the registration within the time provided under Section 16 of the Act. The Impugned Order/Communication further allowed the petitioner to make a fresh application seeking registration within six months of the said communication, however, the petitioner failed to exercise this option as well. He submits that the funds lying with the petitioner would now be vested in the Authority as mentioned in Section 15 of the Act. He, however, fairly admits that such vesting has not yet taken place.

5. I have considered the submissions made by the learned counsels for the parties. The Impugned Order/Communication does not reflect consideration of the respondents to the Intimation(s) submitted by the petitioner under Section 18 of the Act read with Rule 17 of the Rules. In any case, as submitted by the learned counsel for the petitioner, the petitioner is presently not interested in seeking renewal of the registration, it merely wishes to utilize the funds already received for the purpose for which they were so received.

6. The petitioner shall therefore, be entitled to make a

representation in this regard to the respondent no.1. It is directed that the respondent no.1 shall consider such representation and grant an opportunity of hearing to the petitioner to present its case before it. The respondent no.1 shall thereafter, pass a speaking order on such representation and communicate the same to the petitioner within eight weeks from the receipt of the representation.

7. Needless to say, if such decision is adverse to the interest of the petitioner, the petitioner shall be free to challenge the said decision in accordance with law.

8. In the meantime, status quo with respect to the amount lying in the FCRA account of the petitioner shall be maintained. In the order dated 20.11.2019 of this Court had directed that the said amount be invested in a fixed deposit. Such direction shall continue till a decision is taken by the respondent no.1 on the representation of the petitioner.

9. The petition is disposed of with the above directions.

Dasti.

NAVIN CHAWLA, J

FEBRUARY 26, 2020

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