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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 365/2019**
MR THOMAS ALEXANDER PALLUSHEK Petitioner
Through **Mr.P.V. Dinesh, Ms.Sindhu T.P. and**
Mr.Mukunal P Unni, Advs.

versus

UNION OF INDIA AND ORS. Respondents
Through **Mr.Rajesh Gogna, CGSC**

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **23.01.2020**

CM No.2683/2020 (Delay)

This is an application seeking condonation of 175 days delay in filing of the counter affidavit.

For the reason stated in the application, the delay is condoned and application stands allowed. The counter affidavit is taken on record.

W.P.(C) 365/2019 & CM No.1711/2019

1. This petition has been filed *inter-alia* challenging the deportation of the petitioner on 6.04.2018.
2. Admittedly, the petitioner was holding a Multiple Entry Business Visa which was valid till 19.12.2021.
3. The respondents in its counter affidavit have given various reasons which prompted the respondent no.1 to take the decision of blacklisting the petitioner, which is controverted by the petitioner by filing rejoinder affidavit. As an example, the respondents have raised a grievance that two companies had been incorporated by the petitioner while he was in India and that these companies were found to be bogus. In the rejoinder affidavit, the

petitioner has explained that these companies were in fact, on the request of the petitioner, been struck off from the Register of Companies in 2011-13.

4. Another allegation raised by the respondents is with respect to the lease of the petitioner's company having expired and the petitioner having failed to produce a fresh lease document in his favour. On the other hand, it is the case of the petitioner that there is a dispute between the petitioner and the landlord for the said premises, in which the petitioner has been granted protection and is continuing as a statutory tenant.

5. In my view, these submissions/issues which should be first examined by the respondents. Accordingly, it is directed that the respondents shall consider the contents of the present petition as a representation to the respondents on the request of the petitioner to allow the petitioner to come back to India. While taking such decision, due regard shall be had to the fact that the petitioner has been in India since 2009 and was running a German International School in Chennai.

6. The decision on the representation of the petitioner shall be taken by the respondents within a period of four weeks and communicated to the petitioner.

7. In case the respondents require some further clarifications or documents from the petitioner, the respondents would be at liberty to call the petitioner. The learned counsel for the petitioner has given the e-mail address of the petitioner to the counsel for the respondents for the purpose of correspondence.

8. The petition is disposed of in the above terms, with no order as to cost.

Dasti.

JANUARY 23, 2020/Arya

NAVIN CHAWLA, J