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W.P.A. 12187 of 2021

Salgadia Happy & Holy Home Society
Vs.
The Union of India & ors.

Mr. Tarique Quasimuddin
Mrs. Zainab Tahur
... For the petitioner

Mr. Amit Chakraborty
Mr. Avinash Kankani
.. for the respondents

The writ petitioner is aggrieved by order dated 6th August, 2019 issued by the Ministry of Home Affairs, Foreigners Division (FCRA Wing) (Monitoring Unit). By the said order passed under Section 13 of the Foreign Contribution (Regulation) Act, 2010, the certificate of registration of the petitioner was suspended.

Counsel for the petitioner submits that his client is running an N.G.O. for rehabilitation of poor and destitute children.

Sometime in the year 2019, two persons in the management of the petitioner's N.G.O., one Faiz Rahman, who is a US citizen of Indian origin and another were found prima facie guilty of offences under the POCSO Act against two child inmates. F.I.R. was registered and the charge of exploitation of girl child inmates under the POCSO Act. F.I.R. was also registered for violation of Section 12(4)(e) and Section 12(4)(f)(iii) of the Foreign Contribution (Regulation) Act, 2010.

Counsel for the petitioner argues that in terms of Section 13 of the Foreign Contribution (Regulation) Act, 2010, an order of suspension of registration is valid only for a period of 180 days. The authorities also had jurisdiction to revoke the licence of the petitioner, which was not done by them. The petitioner made representations dated 15th September, 2020 and 30th March, 2021, which remain unconsidered till date.

In view of the matter, the Director, Ministry of Home Affairs, Government of India Foreigners Division being respondent no.2 shall consider the petitioner's representations above mandatorily and positively within four months from the date of communication of this order. A reasoned order may be passed and communicated to the petitioner thereafter.

Needless to mention, the petitioner cannot receive any foreign contributions or operate Bank account until a decision is taken by the respondents in this regard.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)