

December 3, 2021
Item No. 15
Court No.1
SG/s.biswas

MAT 829 of 2020
With
CAN 1 of 2020

Aapne Aap Women Worldwide India Trust and another
vs.
Union of India and others
(Through Video Conference)

Mr. Jishnu Saha, Senior Advocate
Mr. Subhojit Saha,
Ms. Arpita Saha,
Mr. Aniket Chaudhury, Advocates

... for the appellants

Mr. Vipul Kundalia,
Mr. Debu Chowdhury,
Ms. A. Majumder,
Mr. Anurag Roy, Advocates

... for the respondent Nos.1 to 4

By this appeal the order of learned single Judge dated 27.11.2020 passed in WPA 6229 of 2020 has been questioned by the writ petitioner whereby learned single Judge has refused the prayer made by the appellants for defreezing the accounts.

The appellant No.1 is an NGO receiving foreign contribution and had approached this Court questioning the order dated 17.09.2019 issued under Section 13 of the Foreign Contribution (Regulation) Act, 2010 and suspending the registration certificate pending consideration for cancellation of the certificate. The accounts of the appellants were frozen, therefore, a prayer for defreezing the accounts was also made which has been declined by learned single Judge taking note of the serious irregularities in respect of foreign contribution.

At this stage a limited prayer has been made by learned counsel for the appellants that the account No.35912556281 in the State Bank of India, Alipore Branch is a domestic account, therefore it should be defreezed.

This aspect is disputed by learned counsel for the respondents submitting that this account has been reflected as FC Account. He has also pointed out that the show cause notice dated 21.02.2020 has already been issued to the appellants and now the proceedings in pursuance to the said show cause notice will be concluded within a time bound period and in this process, the issue raised by the appellants about the account in question being a domestic account will also be looked into.

Having regard to the circumstances of the case and the statement made by the learned counsel for the respondents, we are of the opinion that the interest of justice will be served, if the proceedings are concluded by the respondents expeditiously.

On perusal of the record, we do not find any error in the order of learned single Judge, therefore, without interfering in the order, we dispose of this appeal by directing the competent authority to conclude the proceedings initiated in pursuance to the show cause notice dated 21.02.2020 as expeditiously as possible probably within a period of 8 weeks from today.

The present appeal and connection application are accordingly disposed of.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]