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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.919 OF 2021
IN
WRIT PETITION (L) 9480 OF 2021

Mohd Jabir Khan ...Applicants
Versus
Ravi Chandra & Ors ...Respondents

Mr Gauraj Shah, for the Applicants.
Mr Sandesh Patil, i/b Pavan Patil for the Respondents.

CORAM G.S. Patel &
Madhav J. Jamdar, JJ.
DATED: 14th March 2022

PC:-

1. The challenge in this Petition is to an order of 16th February 2021 at Exhibit-R from page 157 to 160. The Petitioner is a Haj Group Organiser. Entities such as the Petitioner are allowed by the Competent Authority in the Ministry of Minority Affairs to operate Haj pilgrimage. Each operator has a non-transferrable quota allotted annually.

2. In regard to the Haj 2012 operation, the Competent Authority, the Under Secretary (Haj), passed the impugned order. This related to a purported sale/transfer of the Haj quota allotted to the Petitioner. By the impugned order, the Under Secretary (Haj)

found that there was an impermissible and prohibited sale/transfer of the Haj quota for Haj 2012. Accordingly, the Competent Authority forfeited the Rs 25 lakhs security deposit for Haj 2019 and then directed that the Petitioner be “blacklisted permanently for indulging in sale/transfer of 30 Haj quota seats out of total 50 seats allotted to it during Haj 2012.” This debarment was further said to apply to all companies and firms in which the proprietor of the Petitioner was present.

3. We are not inclined to interfere with the order of forfeiture. However, we believe that an order of permanent black listing is not supported or permissible in law.

4. Mr Patil has instructions in writing to reconsider the permanent blacklisting. We say nothing further in that regard. We permit the Petitioner to make a suitable representation limited to the permanent blacklisting. That representation is to be made to Respondent No 1 by 21st March 2022. We request the 1st Respondent to consider that representation on merits uninfluenced by the previous order to the extent of the permanent blacklisting and to decide the question of blacklisting afresh.

5. We make it clear that the representation is limited to the period of blacklisting and nothing further.

6. The 1st Respondent is also not to be influenced by the written instructions that he may have issued.

7. The 1st Respondent is requested to dispose of that representation at its earliest convenience and, preferably within four weeks of 21st March 2022.

8. The Writ Petition is disposed of in these terms. There will be no order as to costs.

(Madhav J. Jamdar, J)

(G. S. Patel, J)