



WEB COPY

WP No.29320 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.29320 of 2015

And

MP Nos.1 and 2 of 2015

And

WMP Nos.21323 and 21324 of 2017

Greenpeace India Society,
Represented by its Executive Director,
Vinuta Gopal, New No.47/Old No.22,
2nd Cross Street,
Ellaiamman Colony,
Gopalapuram,
Chennai - 600 086.

... Petitioner

Vs.

Union of India,
through Under Secretary,
Foreigners Division (FCRA),
Ministry of Home Affairs,
Government of India,
NDCC-II Building,
Off Jai Singh Road,
New Delhi – 110 001.

... Respondent



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records and quash the order passed by the respondent in F.No.II/21022/58(0047)/2013-FCRA (MU) – 461 – 1 dated 02.09.2015 cancelling the petitioner's FCRA Registration.

For Petitioner	: Mr.Srinath Sridevan, Senior Counsel for Mr.Suhrith Parthasarathy.
For Respondent	: Mr.Mahesh Jethmalani, Senior Counsel for Mr.K.Gunasekar, Senior Panel Counsel for Central Government.

ORDER

The writ on hand has been instituted questioning the validity of the order dated 02.09.2015 passed by the Ministry of Home Affairs Foreigners Division (FCRA Wing) cancelling the permanent registration of the writ petitioner-Greenpeace India Society.

2. The learned Senior Counsel appearing on behalf of the respondent-Ministry brought to the notice of this Court that, on 02.09.2015



the petitioner made an application seeking the relief of registration on the Foreign Contribution Regulation Act and the Ministry of Home Affairs considered the application and passed an order in proceedings dated 07.08.2016 granting the Renewal Certificate, which is valid for a period of five years with effect from 01.11.2016. The FCRA Wing initiated suo motu revision against the grant of Renewal Certificate in proceedings dated 07.08.2016 and cancelled the same on 19.11.2016. The said proceedings cancelling the Renewal Certificate has been stayed by this Court in CMA No.19361 of 2016.

3. In view of the fact that the certificate was renewed for a period of five years from 01.11.2016. The said period expired and therefore, the revision order dated 19.11.2016 also lost its relevance.

4. The learned Senior Counsel appearing on behalf of the petitioner raised an apprehension that in the event of submitting a fresh application under the provisions of Foreign Contribution and Regulations Act, the respondent may reject the same merely on the ground that the Renewal Certificate of the petitioner was held to have been contravened



under the provisions of the Act.

WEB COPY

5. With reference to the said submission made by the learned Senior Counsel appearing on behalf of the petitioner, it is clarified on behalf of the respondent that the respondent will consider the application if any submitted by the petitioner afresh on its own merits and in accordance with law.

6. That being the submission made by the learned Senior Counsel appearing on behalf of the respondent, no further adjudication needs to be undertaken in respect of the other grounds raised between the respective parties to the lis on hand.

7. Accordingly, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

25-04-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

The Under Secretary,
Union of India,
Foreigners Division (FCRA),
Ministry of Home Affairs,
Government of India,
NDCC-II Building,
Off Jai Singh Road,
New Delhi – 110 001.

WP No.29320 of 2





WEB COPY

WP No.29320 of 2



S.M.SUBRAMANIAM, J.

Svn

WP 29320 of 2015

25-04-2023