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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 10th May, 2023

+ **W.P.(C) 6142/2023 and CM APPL. 24194/2023, 24195/2023**

TAMBOLI TOURS AND TRAVELS PVT. LTD. Petitioner

Through: Mr. Bharat Raichandani, Mr. Deepak
Kumar Khokhar & Mr. Kshitij Karn,
Advocates. (M:7006269101)

versus

UNION OF INDIA

..... Respondent

Through: Mr. Anurag Ahluwalia, CGSC, Mr.
Kritagya Kumar Kait, Advocate UOI.
(M: 9968955368)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The petition is filed by a Haj Group Organiser (HGO) for Haj 2023, challenging the public notice dated 5th May, 2023 issued by the Ministry of Minority Affairs (Haj Division). By way of the impugned public notice, the Ministry has declared the eligible and ineligible HGOs for Haj 2023. The said communication is set out below:

“Subject: Registration of Haj Group Organisers for Haj 2023 - regarding.

With reference to this Ministry's circular No. HAJ-20/28/2022- HAJ-MOMA dated 14.03.2023 inviting applications for registration and allocation of quota to the Haj Group Organisers for Haj 2023, a total of 810 applications were received in the Ministry for registration under 2 categories (244 in Category-1 and 566 in Category-2). These applications were examined in the Ministry in terms of the provisions of the Policy

for Haj Group Organisers for Haj 2023 and on the basis of the documents/ information submitted by the HGOs in their application and their subsequent clarifications/ replies.

2. As a result of the scrutiny process, 171 HGOs in Category-1 and 340 HGOs in Category-2 have been found eligible for registration for Haj 2023. The list of eligible HGOs in Cat-1 and Cat-2 is at Annexure I and II respectively. The list of 280 HGOs who are not found eligible for Haj 2023 is at Annexure-III. Further, in case the name of the HGO is not mentioned in the enclosed list, the HGO may also submit their representation to the Ministry within the due date mentioned below.

3. A committee has been constituted in the Ministry to look into issues related to registration of HGOs for Haj 2023. Accordingly, the HGOs who wish to represent their case, may submit their representation to the Haj Division, 11th Floor, Pt. Deendayal Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi-110003 or through email to ushaj-mma@gov.in latest by 08.05.2023 (5 PM). The representations received after due date and time will not be considered."

3. The grievance of the Petitioner is that it falls in the list of 280 HGOs who have been rendered ineligible as per the above public notice. The issue raised by the Petitioner is that the reasons for declaring it as ineligible has not been communicated to it. Thus, though the above public notice gives an opportunity to the Petitioner to submit a representation by the due date i.e., 8th May, 2023 (5:00pm), since the Petitioner is not even aware of the reasons which have rendered it ineligible, no representations can be made. Thus, the notice declaring them ineligible is under challenge.

4. Ld. Standing Counsel appearing for the Ministry of Minority Affairs, under instructions from Mr. S.S. Verma, Deputy Secretary, submits that the

reasons *qua* the Petitioner, who has been rendered ineligible, is being prepared and shall be served upon all the 280 HGOs latest by 10th May, 2023 i.e. today. Such HGOs are free to file their representations within two working days. The representations would be decided within one week and the allotment of quota would not be exhausted prior to the decision on the representations.

5. Heard.

6. Having perused the public notice dated 5th May, 2023, it is clear that out of 810 HGOs, 171 HGOs have been found eligible in category-1 and 340 HGOs have been found eligible in category-2 for Haj 2023.

7. As per the submissions made today, it has been brought to the attention of the Court that the total number of visas that are to be allotted to the HGOs this year are 35,005 nos. Each of the category-1 and category-2 HGOs operators is entitled to 60 visas and 50 visas respectively. Thus, insofar as the eligible HGOs are concerned, a total of 10,260 and 17,000 would be exhausted. There would be a large number of remaining visas which would have to be dealt with in accordance with the HGO Policy 2023 of the Ministry.

8. Considering the fact that the reasons for declaring the Petitioner has not been communicated to it, the opportunity to make representations by 8th May 2023 at 5pm is of no consequence, as there is no basis for filing a representation. Accordingly, the following directions are issued:-

- i) Let the Ministry communicate the reasons for ineligibility to the Petitioner on or before 10th May, 2023 by 6:00 pm.
- ii) If Petitioner is aggrieved by the reasons which are communicated, it free to make its respective representations to

the Ministry by 12th May, 2023 midnight, as also remove deficiencies, through the e-mail address mentioned in the public notice.

- iii) The representation shall be decided by the Ministry and shall be communicated to the Petitioner through email by 6 pm on 19th May, 2023.
- iv) In case the Petitioner is found eligible, its candidature shall be considered for the allotment of the remaining visas in accordance with the Ministry's Policy.

9. The statement of Mr. Mukul Singh, Id. Counsel, that the quota shall not be exhausted till the representation of the Petitioner is decided, which was taken on record in a similar matter being **W.P.(C) 6016/2023**, is accepted by the Court in the present matter.

10. The petition is disposed of in the above terms along with all pending applications, if any.

PRATHIBA M. SINGH
JUDGE

MAY 10, 2023
dj/kt