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

% Judgment delivered on: 30.05.2023

+ W.P.(C) 7760/2023, CM APP Nos. 29939/2023 & 29940/2023

KHANDESH HAJ CORPORATION Petitioner

versus

UNION OF INDIA Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sulaiman Mohd. Khan, Advocate with Ms. Taiba Khan, Mohd. Ainul Ansari, Mr. Bhanu Malhotra, Mr. Akash Bhushan and Mr. Gopeshwar Singh Chandel, Advocates.

For the Respondent : Mr. Mukul Singh, CGSC for UOI with Ms. Ira Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

The matter has been received on transfer upon urgent mentioning

1. Petitioner seeks a writ or order in the nature of *mandamus* for quashing and setting aside of the letters dated 10.05.2023 and 05.05.2023, whereby, on the basis that physical copy of the FDR and



DD was not submitted by the petitioner, the petitioner has not been found eligible for registration and allocation of quota for Haj, 2023.

2. Mr. Khan, learned counsel appearing for the petitioner submits that the petitioner had in fact made an FDR for Rs. 30 lakhs in accordance with the policy and had uploaded the application along with the scanned copy of the FDR of Rs. 30 lakhs and DD of Rs. 10,000/- therewith on the Haj portal.

3. Mr. Khan submits that the tracking report at page 52 of the petition, confirms that the original physical copy of the FDR and DD as aforesaid were delivered on 05.04.2023, which according to Mr. Khan was the cut off date for such documents to be received by the respondent.

4. On a query from this Court, Mr. Mukul Singh, learned Central Government Standing Counsel appearing for the respondent UOI, on instructions, submits that the respondent did not receive either the FDR or the DD within the time limit specified i.e., 05.04.2023 and, therefore, the representation of the petitioner could not be considered.

5. Mr. Khan, learned counsel relies upon the order passed by the Co-ordinate Bench on 19.05.2023 in W.P.(C) 6743/2023 titled as “*Asfahan Tours And Travels vs. Union of India*” whereby under similar circumstances, the Co-ordinate Bench had directed the respondents to take the physical copy in Court on record and process the application further.

6. Mr. Khan, learned counsel has handed over a copy of the revalidated FDR of Rs. 30 lakhs, which clearly shows that the FDR was made on 24.03.2023, which gives credence to the contention that the



FDR was made within time and also sent on time by speed post and the tracking report on record also supports the aforesaid contentions.

7. In view of the above, this Court directs the respondent to accept the FDR bearing No. 0462436 of Rs. 30 lakhs and the DD bearing No.000996 of Rs. 10,000/- on account of the registration sought by the petitioner.

8. This is in the peculiar circumstances of this case and will not be treated as a precedent.

9. The aforesaid directions are without prejudice to the verification processes and other objections, which has and may be raised by the respondent.

10. With the above directions, the present petition is disposed of along with pending applications.

11. Mr. Singh for the respondent submits that there are objections which are part of annexure P-4. The same may be communicated to the petitioner.

न्यायमेव जयते

TUSHAR RAO GEDELA, J.

MAY 30, 2023/nd