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

+ **W.P.(C) 5195/2024**

M/S SANIA HAJ SERVICES

..... Petitioner

Through: Mr. Deepak Khokhar, Ms. Annweshaa Laskar, Ms. Prachi Sharma & Mr. Chaitanya G. Tripathi, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr. Anurag Ahluwalia, CGSC with Mr. Kaushal Jeet Kait, GP for UoI.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

09.04.2024

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1. The Petitioner has approached this Court challenging the Communication dated 11.03.2024 issued by the Respondent rejecting the application of the Petitioner for grant of quota for Haj Group Organizer for the year 2023-24. The reasons for rejecting the application of the Petitioner has been given in paragraph No.2 of the Impugned Communication which reads as under:

Reasons of rejection	Observations	Policy violations
Mismatch in Financial statements	I. Mismatches were observed in the financials provided by the applicant in the financial year 2022-23. Expenses mentioned in the profit and loss is not matching with the accommodation proofs attached by the applicant.	Clause 4 of Annexure-I HGO Policy – Mismatches were observed in financial statements, Tax Audit Report, Income Tax return which reads as "Turnover as applicable from Haj and/or Umrah operations in any of the preceding two financial years (other than Covid affected years) from the empanelment year along with balance sheet and profit and loss account duly audited by the statutory auditors, tax audit report and Income tax return (ITR)

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Reasons of rejection	Observations	Policy violations
Other Non-Compliances	I. As per the tax audit report for F.Y 2022-23 submitted by the applicant, the UDIN of the CA has not been mentioned. II. Despite of raising query and upon analysis of reply it has been observed that the wordings of the affidavit as per clause 15(II) Annexure 1 is not as per the HGO policy 2024.	Clarification 2 of notice issued by Ministry of minority affairs of HAJ 2024 Policy which reads as all the documents uploaded by the applicants should be clearly legible and as per the specifications indicated on the portal. Applicants not conforming to the laid down specifications or are not legible are liable to be rejected. Clause 15 Annexure-I HGO policy – "Document that (II) No applicant can apply in more than one HGO in his/her capacity as Director/Partner/Proprietor/Trustee/Management Board of Society/Board of Society / Employee of any other HGO organisations applying for Haj 2024. The affidavits should be signed by Proprietor/all partners/all directors/all trustee.

2. Paragraph No.3 of the Impugned Communication permits the Petitioner to submit a representation to the Apex Committee before 20.03.2024.

3. Learned Counsel appearing for the Petitioner states that the reasons given for rejecting the application of the Petitioner are trivial in nature. He states that the Petitioner, within the time stipulated, has submitted its representation to the Apex Committee on 20.03.2024 which has yet not been considered.

4. Considering the fact that the last date for granting visa expires on 29.04.2024, this Court is inclined to direct the Respondent to consider the representation dated 20.03.2024 given by the Petitioner on or before 24.04.2024.

5. Though it is stated by the learned Counsel for the Respondent that the representation given by the Petitioner on 20.03.2024 has been rejected, the



same has yet not been communicated to the Petitioner. If that is the case, then the Respondent is directed to communicate the decision to the Petitioner within three days to enable the Petitioner to avail of its remedies within time.

6. In view of the above, the writ petition is disposed of, along with pending application(s), if any. It is made clear that this Court has not made any observations on the merits of the case.

7. Liberty is granted to the Petitioner to approach this Court again in case need so arises in future.

SUBRAMONIUM PRASAD, J

APRIL 9, 2024

S. Zakir