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

+ **LPA 471/2024 & C.M.Nos.34524-34526/2024**

AL ISLAM TOURS CORPORATION

..... Appellant

Through: Mr.Sulaiman Mohd. Khan with
Mrs.Taiba Khan, Mr.Bhanu Malhotra,
Mr.Gopeshwar Singh Chandel,
Mr.Abdul Bari Khan and Mr.M.N.A.
Chaudhary, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr.Anurag Ahluwalia, CGSC with
Mr.Abhigyan Siddhant, Advocate for
UOI.

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Date of Decision: 31st May, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present appeal has been filed by the appellant challenging the order dated 24th April, 2024 passed by the learned Single Judge of this Court in WP(C) No.5033/2023 whereby the writ petition filed by the appellant was dismissed.

2. Learned counsel for the appellant states that the respondent-Ministry vide order dated 16th March, 2023 has blacklisted/debarred the appellant from registration and allocation of Haj Quota or to operate as a Haj Group Operator (HGO) for a period of ten years. He states that the respondent-



Ministry has even forfeited the security deposit of Rs.25 lakhs made by the appellant.

3. He states that the reason for blacklisting was that the actions of the appellant were in violation of “Policy for Haj Group Operators for Haj-2019-23” as it had indulged in selling/transfer of Haj Quota seats.

4. Learned counsel for the appellant states that the learned Single Judge failed to appreciate that by the time the appellant had entered into a package with the complainant, the list of the Haj pilgrims had already been published.

5. He further states that the appellant did a verbal agreement with the complainant Muzzamil Khan only for ‘Land Package’ which included providing only ancillary services (covering stay, transport, food, laundry, ziyarat and zamzam services) to the pilgrims in Saudi Arabia, excluding the Haj Visas. He states that there is nothing in the Haj Policy, which specifies that providing ancillary services is in violation of the policy.

6. He further states that the learned Single Judge failed to appreciate that the appellant was given clean chit in the complaint made by the complainant before the police authorities and all of these actions were only blackmailing tactics of the complainant.

7. He lastly states that the punishment imposed on the appellant is grossly disproportionate.

8. Having heard learned counsel for the appellant, this Court is in agreement with the view of the learned Single Judge that the appellant ought not to have engaged itself in any kind of activity related to Haj (including ancillary services) without being registered as an HGO. The admitted fact is that the appellant has taken money from the Hajis without being a registered



HGO for providing services and facilities to the Hajis. In our opinion, the Hajis can only be provided services and facilities by the registered HGO as all the affairs are overseen by the Union of India. A clean chit by the Police, in the present case, is of no relevance to blacklisting proceeding.

9. This Court is also in agreement with the view of the learned Single Judge that the punishment imposed is not disproportionate to the impropriety. Since the breach in the present case is of serious nature, the impugned punishment/embargo calls for no interference in the writ jurisdiction.

10. Accordingly, the present appeal along with the applications is dismissed.

ACTING CHIEF JUSTICE

JUSTICE RAJNISH BHATNAGAR, J

**MAY 31, 2024
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