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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9344/2024 AND CM APPL. 38303/2024 & CM APPL. 38304/2024**

SAMUEL FOUNDATION CHARITABLE INDIA TRUST

.....Petitioner

Through: **Mr. Rajiv K. Garg, Mr. Shiven Banga and Mr. Ashish Garg, Advocates.**

versus

UNION OF INDIA

.....Respondent

Through: **Mr. Ravi Prakash, CGSC with Mr. Raj Kumar Maurya, Ms. Astu Khandelwal and Mr. Ali Khan, Advocates for R-1/UOI.**

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
11.07.2024

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1. Through the present petition under Article 226 of the Constitution of India, 1950, the Petitioner seeks the following relief:

“a) issue of Writ under Article 226 of the Constitution of India of Certiorari or any other appropriate Writ, order or direction directing the respondent to produce the record of the undated message declining to renew the registration of the petitioner under the FCR Act and upon examining quash the same and further writ, order or diction directing the respondent to treat the registration of the Petitioner valid/deemed valid and to further renew the same which is continuing since 1997 and allow the petitioner to continue its activities under the FCR Act the declining to renew being totally illegal/Arbitrary /malafide and in violation of the provisions of the act itself besides also being violative of principles of natural justice including failure to give reasons as provided under the Act and allow the petitioner to continue its activities which is in public interest which is continuing since 1997.”



2. The Petitioner, a non-profit trust, was earlier registered under the Foreign Contribution (Regulation) Act, 1976. Their application for renewal has been rejected under Section 16(2) read with Section 12(4)(f)(iii) of the Foreign Contribution (Regulation) Act, 2010.¹

3. At the outset, Mr. Ravi Prakash, CGSC for the Respondent, objects to the maintainability of the present petition in light of availability of efficacious remedies under the FCRA. While placing reliance on the orders passed by this Court in *Lok Jagriti Kendra v. Union of India*,² *AROH Foundation v. Union of India*,³ and *South Asia Foundation - India v. Union of India*,⁴ he contends that Petitioner can apply for revision of the order passed by Respondent under Section 32 of FCRA, by approaching the revisional authority. In addition, Mr. Prakash highlights the remedy of filing an appeal before the High Court in terms of Section 31 of the FCRA. He points out that since the impugned rejection is founded on Section 12(4) of the FCRA, the Petitioner can prefer an appeal to the High Court of competent jurisdiction under Section 31(2).

4. In response, Mr. Rajiv Garg, counsel for Petitioner, submits that the Petitioner had, at the first instance, availed the remedy of filing an appeal, however, the Registry of this Court declined to accept their filing on the ground that there is no such category of appeals. As regards the objection of maintainability of this petition, he firstly argues that this Court has, in the past, entertained writ petitions against the refusal to renew registrations under the FCRA and places reliance on order dated 27th October, 2016

¹ “FCRA.”

² Dated 23rd February, 2023 in W.P. (C) 13730/2022.

³ Dated 26th April, 2024 in W.P. (C) 5901/2024.

⁴ Dated 14th May 2024 in W. P. (C) 6922/2024.



passed in *Indian Social Action Forum v. Union of India*.⁵ However, considering the stand taken by Mr. Prakash, Mr. Garg, submits that he would like to withdraw the present petition with liberty to resort to Section 31(2) of the FCRA. He further requests that the Court may issue directions to the Registry to accept the appeal, if filed.

5. In view of the above, the writ petition is dismissed as withdrawn with liberty as aforesaid. Pending applications are also disposed of.

6. In case an appeal is preferred by the Petitioner, the Registry shall accept the same, and allocate a nomenclature and list before the appropriate Bench.

7. The Petitioner shall be entitled to rely on Section 14 of the Limitation Act, 1963 for exclusion of the time spent pursuing the present proceedings on account of the hurdles caused by the Registry's refusal to entertain the Petitioner's appeal. Such a request shall be considered by the Court while considering the appeal, if preferred.

SANJEEV NARULA, J

JULY 11, 2024

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⁵ W.P. (C) 10199/2016.