



\$~38

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

+ LPA 1216/2024 & CM APPL. 73824/2024

**SAHARA CENTRE FOR RESIDENTIAL CARE AND
REHABILITATION**

.....Appellant

Through: Mr. Amritananda Chakravorty, Mr
Mihir Samson, Ms. Shreya Munoth,
Mr. Aswathi Menon and Mr. Khush
Aalam Singh, Advocates.

versus

UNION OF INDIA & ANR.

.....RespondentS

Through: Mr. Farman Ali (SPC) Mr. Hussain
Taqvi, Ms. Usha Jamwal, Advocates.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

17.12.2024

%

1. The appellant has filed the present appeal impugning an order dated 19.11.2024 passed by the learned Single Judge in W.P. (C) 15991/2024 captioned *Sahara Centre for Residential Care and Rehabilitation v. Union of India & Another*. The appellant had filed the said writ petition impugning a communication dated 30.03.2024, whereby the appellant was informed that the Competent Authority had declined the appellant's application for renewal of the certificate under Section 12(4)(b) of the Foreign Contribution (Regulation) Act, 2010 (hereafter *the FCRA*), on the ground that the appellant had not undertaken any activity for which the registration was granted under the FCRA.

2. The learned Single Judge declined to entertain the writ petition on the ground that the appellant had an equally efficacious statutory remedy.



The learned Single Judge observed that the appellant had two alternative remedies:

- i) to either apply for a revision under Section 32 of the FCRA; or
- ii) to prefer an appeal under Section 31 of the FCRA before the High Court.

3. Additionally, the learned Single Judge noted that the appellant had already availed the remedy of a revision under Section 32 of the FCRA. And, in this context, also observed that in case the decision rendered by the Central Government in respect of the appellant's revision petition is adverse to the appellant's interest, the appellant is at liberty to avail statutory remedies provided under the FCRA.

4. The learned counsel for the appellant contends that although the appellant has a remedy by way of a revision under Section 32 of the FCRA – which it has availed – it does not have any remedy by way of an appeal and to that extent the observations made by the learned Single Judge in the impugned order are erroneous. She also contends that there is no provision of a statutory appeal against an order passed by the Central Government in exercise of its revisionary power under Section 32 of the FCRA.

5. The learned counsel appearing for the respondents concurs with the said contention. It is material to note that the respondent's contention before the learned Single Judge, were at variance with the contentions advanced before this Court.

6. It is apposite to set out Sections 31 & 32 of the FCRA. The same are reproduced below:

“31. Appeal.—

(1) Any person aggrieved by any order made under section 29 may



prefer an appeal,—

(a) where the order has been made by the Court of Session, to the High Court to which such Court is subordinate; or

(b) where the order has been made by any officer specified under clause (b) of sub-section (1) of section 29, to the Court of Session within the local limits of whose jurisdiction such order of adjudication of confiscation was made,

within one month from the date of communication to such person of the order:

Provided that the appellate court may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of one month, allow such appeal to be preferred within a further period of one month, but not thereafter.

(2) Any organisation referred to in clause (f) of sub-section (1) of section 3, or any person or association referred to in section 6 or section 9, aggrieved by an order made in pursuance of section 5 or by an order of the Central Government refusing to give permission under this Act, or by any order made by the Central Government under sub-section (2) or sub-section (4) of section 12, or sub-section (1) of section 14, as the case may be, may, within sixty days from the date of such order, prefer an appeal against such order to the High Court within the local limits of whose jurisdiction the appellant ordinarily resides or carries on business or personally works for gain, or, where the appellant is an organisation or association, the principal office of such organisation or association is located.

(3) Every appeal preferred under this section shall be deemed to be an appeal from an original decree and the provisions of Order XLI of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), shall, as far as may be, apply thereto as they apply to an appeal from an original decree.

32. Revision of orders by Central Government.—



(1) The Central Government may, either of its own motion or on an application for revision by the person registered under this Act, call for and examine the record of any proceeding under this Act in which any such order has been passed by it and may make such inquiry or cause such inquiry to be made and, subject to the provisions of this Act, may pass such order thereon as it thinks fit.

(2) The Central Government shall not of its own motion revise any order under this section if the order has been made more than one year previously.

(3) In the case of an application for revision under this section by the person referred to in sub-section (1), the application must be made within one year from the date on which the order in question was communicated to him or the date on which he otherwise came to know of it, whichever is earlier:

Provided that the Central Government may, if it is satisfied that such person was prevented by sufficient cause from making the application within that period, admit an application made after the expiry of that period.

(4) The Central Government shall not revise any order where an appeal against the order lies but has not been made and the time within which such appeal may be made has not expired or such person has not waived his right of appeal or an appeal has been filed under this Act.

(5) Every application by such person for revision under this section shall be accompanied by such fee, as may be prescribed.

Explanation.— An order by the Central Government declining to interfere shall, for the purposes of this section, be deemed not to be an order prejudicial to such person.”

7. It is relevant to note that under Sub-section (2) of Section 31 of the FCRA, an appeal lies against any order of the Central Government refusing to give permission under the FCRA.



8. In the present case, the appellant's grievance pertains to a communication declining renewal of registration certificate under Section 16 of the FCRA. The question whether refusal to grant renewal of the certificate can be construed as denial of permission under the FCRA is a debateable issue. However, there is no cavil that a revision petition is maintainable against an order refusing renewal of registration.

9. It is apparent from the plain language of Section 32(4) of the Act that the revisionary powers of the Central Government are wide. It is also clear that an appeal under Section 31 of the FCRA would not lie against an order passed by the Central Government in exercise of revisionary power under Section 32 of the FCRA. To the said extent, we concur with the submission made by the appellant, that the observations made by the learned Single Judge to the effect that the appellant has a right to appeal the decision of the Central Government in exercise of its revisionary power under Section 32 of the FCRA, is erroneous.

10. In so far as the question whether an appeal would lie against a communication dated 30.03.2024 declining the renewal of certificate under Section 16 of the Act is concerned, learned counsel for the respondents states that he has instructions that an appeal would lie as the said order was passed under Section 16 of the Act read with Section 12(4) of the FCRA. And an order under Section 12(4) of the FCRA is appealable under Section 31(2) of the FCRA.

11. We do not consider it apposite to examine this question any further in detail in this appeal as it is apparent that the learned Single Judge has declined to entertain the writ petition i.e. W.P. (C) 15991/2024 on the ground that the appellant has an efficacious alternate remedy. Undisputedly,



the petitioner has remedy by way of the revision under Section 32 of the FCRA. And, the appellant has, in fact taken recourse to the said remedy.

12. In that view, we find no infirmity with the decision of the learned Single Judge in declining to entertain the writ petition.

13. The appeal is disposed of with the aforesaid observations.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

DECEMBER 17, 2024

KG

Click here to check corrigendum, if any