

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11504 OF 2025

Prabha Heera Pratishthan Thr. Chief
Functionary/chief Secretary Dimple Rajkumar Ghadage
Versus

...Petitioner

Government Of India Thr. Ministry Of Home
Affairs, Thr. Under Secretary, Foreigners Division

...Respondent

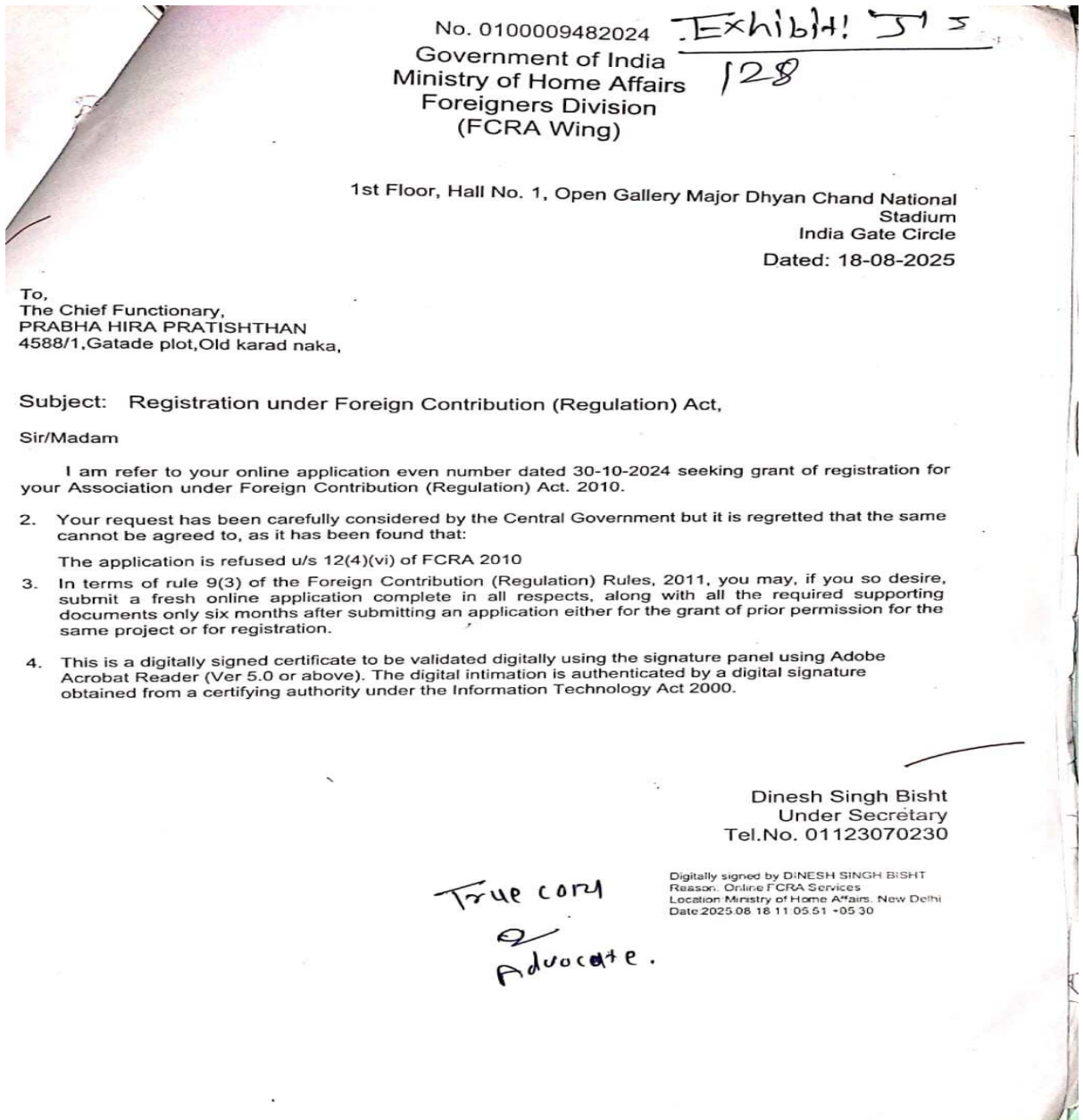
Mr. Anant Vadgaonkar, Counsel for petitioner.
Mr. Vijay Killedar, Advocate for respondent No.1.

Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.
Date : May 05, 2026.

JUDGMENT (PER Madhav J. Jamdar, J.) :

1. Heard Mr. Vadgaonkar, learned counsel for the petitioner, and Mr. Killedar, learned counsel for respondent No. 1.
2. By the present writ petition filed under Article 226 of the Constitution of India, the challenge is to the legality and validity of the order dated 18th August 2025 passed by respondent No. 1 – Ministry of Home Affairs, Under Secretary, Foreigners Division (FCRA Wing).
3. The main submission of the learned counsel for the petitioner is that no hearing opportunity has been given before passing the impugned order and, in any case, no reasons are recorded for passing the impugned order.

4. On the other hand, Mr. Killedar, learned counsel for respondent No. 1, supports the impugned order and submits that giving reasons is not a mandatory requirement under the FCRA, 2010.
5. For ease of reference, the impugned order dated 18th August 2025 is scanned and reproduced hereinbelow:



6. Perusal of the impugned order shows that the online application of the petitioner dated 30th October 2024 seeking grant of registration under the Foreign Contribution (Regulation) Act, 2010 (for short “FCRA, 2010”) has been refused under Section 12, sub-sections (4) (vi) of the FCRA Act, 2010. The said section 12 reads as under:

“12. Grant of certificate of registration

(i) An application by a person, referred to in section 11 for grant of certificate or giving prior permission, shall be made to the Central Government in such form and manner and along with such fee, as may be prescribed.

2[(1A) Every person who makes an application under sub-section (1) shall be required to open "FCRA Account" in the manner specified in section 17 and mention details of such account in his application.]

(2) On receipt of an application under sub-section (1), the Central Government shall, by an order, if the application is not in the prescribed form or does not contain any of the particulars specified in that form, reject the application.

(3) If on receipt of an application for grant of certificate or giving prior permission and after making such inquiry as the Central Government deems fit, it is of the opinion that the conditions specified in sub-section (4) are satisfied, it may, ordinarily within ninety days from the date of receipt of application under sub-section (1), register such person and grant him a certificate or give him prior permission, as the case may be, subject to such terms and conditions as may be prescribed:

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PROVIDED that in case the Central Government does not grant, within the said period of ninety days, a certificate or give prior permission, it shall communicate the reasons therefor to the applicant:

PROVIDED FURTHER that a person shall not be eligible for grant of certificate or giving prior permission, if his certificate has been suspended and such suspension of certificate continues on the date of making application.

4) The following shall be the conditions for the purposes of sub-section (3). namely:-

(a) the person making an application for registration or grant of prior permission under sub-section (1).-

(i) is not fictitious or benami,

(ii) has not been prosecuted or convicted for indulging in activities aimed at conversion through inducement or force, either directly or Indirectly, from one religious faith to another:

(iii) has not been prosecuted or convicted for creating communal tension of disharmony in any specified district or any other part of the country,

(iv) has not been found guilty of diversion or mis-utilisation of its funds,

(v) is not engaged or likely to engage in propagation of sedition or advocate violent methods to achieve its ends;

(vi) is not likely to use the foreign contribution for personal gains or divert it for undesirable purposes;

(vii) has not contravened any of the provisions of this Act:

(viii) has not been prohibited from accepting foreign contribution:

(b) the person making an application for registration under sub-section (1) has undertaken reasonable activity in its chosen field for the benefit of the society for which the foreign contribution

is proposed to be utilised:

(c) the person making an application for giving prior permission under sub-section (1) has prepared a reasonable project for the benefit of the society for which the foreign contribution is proposed to be utilised;

(d) in case the person being an individual, such individual has neither been convicted under any law for the time being in force nor any prosecution for any offence pending against him:

(e) in case the person being other than an individual, any of its directors or office bearers has neither been convicted under any law for the time being in force nor any prosecution for any offence is pending against him:

(f) the acceptance of foreign contribution by the person referred to in sub-section (1) is not likely to affect prejudicially-

(i) the sovereignty and integrity of India; or

(ii) the security, strategic, scientific or economic interest of the State: or

(iii) the public interest; or

(iv) freedom or fairness of election to any Legislature; or

(v) friendly relation with any foreign State; or

(vi) harmony between religious, racial, social, linguistic, regional groups, castes or communities;

(g) the acceptance of foreign contribution referred to in sub-section (1),-

(i) shall not lead to incitement of an offence:

(ii) shall not endanger the life or physical safety of any person.

(5) Where the Central Government refuses the grant of certificate or does not give prior permission, it shall record in its order the reasons therefor and furnish a copy thereof to the applicant:

PROVIDED that the Central Government may not communicate the reasons for refusal for grant of certificate or for not giving prior permission to the applicant under this section in cases where is no obligation to give any information or documents or records or papers under the Right to Information Act, 2005 (22 of 2005).

(6) The certificate granted under sub-section (3) shall be valid for a period of five years and the prior permission shall be valid for the specific purpose or specific amount of foreign contribution proposed to be received, as the case may be."

(Emphasis Added)

7. Thus the scheme of Section 12 of the FCRA, 2010 *inter alia* provides as under :

(i) An application by a person, referred to in section 11 for grant of

certificate or giving prior permission, shall be made to the Central Government in such form and manner and along with such fee, as may be prescribed.

(ii) In case the Central Government does not grant, within the period of ninety days, a certificate or give prior permission, it shall communicate the reasons therefor to the applicant.

(iii) Sub-Section (4) (a) of Section 12 provides the non-eligibility of the applicant to apply. The same *inter alia* provides that if the applicant has been found guilty of diversion or mis-utilisation of its funds then the applicant is not entitled.

(iv) Where the Central Government refuses the grant of certificate or does not give prior permission, it shall record in its order the reasons therefor and furnish a copy thereof to the applicant.

(v) The Central Government may not communicate the reasons for refusal for grant of certificate or for not giving prior permission to the applicant under this section in cases where there is no obligation to give any information or documents or records or papers under the Right to Information Act, 2005 (22 of 2005).

8. Thus, it is clear that it is mandatory for the Central Government to record in its order the reasons and furnish a copy thereof to the petitioner

if the Central Government refuses the grant of certificate or does not give prior permission. Although the proviso to sub-section (5) of Section 12 provides that the Central Government may not communicate the reasons for refusal for grant of certificate or for not giving prior permission to the applicant under this section in cases where there is no obligation to give any information or documents or records or papers under the Right to Information Act, 2005, there is nothing on record to show that the said proviso is applicable to the facts of the present case.

9. Accordingly, the impugned order dated 18th August 2025 passed by respondent No. 1 – Ministry of Home Affairs, Under Secretary, Foreigners Division (FCRA Wing), is quashed and set aside, and the matter is remanded back to respondent No. 1 – Ministry of Home Affairs, Under Secretary, Foreigners Division (FCRA Wing).

10. The application filed by the petitioner dated 30th October 2024 seeking grant of registration under the Foreign Contribution (Regulation) Act, 2010 shall be considered on its own merits in accordance with law after giving a hearing opportunity to the petitioner. As the application is of October 2024, the same shall be disposed of within a period of four months from today.

11. It is clarified that this Court has not examined the merits and all contentions on merits are expressly kept open.

12. The writ petition stands disposed of in the above terms. There shall be no order as to costs.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]