



2025:DHC:6019-DB



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

Date of decision: 24th July, 2025

+ **W.P.(C) 10199/2016 & CM APPL. 37992/2021**

INDIAN SOCIAL ACTION FORUM

.....Petitioner

versus

UNION OF INDIA

.....Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Prashanto C. Sen, Sr. Adv. with Mr. Kabir Dixit, Mr. Prasanna S., Mr. Rashmi Goswami and Mr. Prasanna B., Advs.

For the Respondents : Mr. Chetan Sharma, ASG and Mr. Vikrant N. Goyal, SPC with Mr. Amit Gupta, Mr. Saurabh Sharma, Mr. Vikramaditya Singh and Mr. Naman, Advs.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

1. The petitioner was granted registration under the provisions of the Foreign Contribution (Regulation) Act, 2010 ('*Act of 2010*') and, accordingly, a certificate was issued under the Foreign Contribution (Regulation) Act, 1976.



2. It is the petitioner's case that his said license, which subsequently came to be governed by the provisions of the Act of 2010, was suspended on 30th April 2013, which led to the filing of this Writ Petition. This Court directed respondent/Union of India to disclose the reasons for the suspension of the certificate.
3. Under the Act of 2010, the certificate is granted under Section 12, which is valid for a period of five years, and renewal is contemplated under Section 16. While considering a request for renewal of the certificate, as statutorily provided under Section 16, the Government is required to act in accordance with the provisions of sub-section (4) of Section 12.
4. It is the case of the petitioner that *vide* impugned communication dated 21st October 2016, the request of petitioner for renewal of the certificate was rejected.
5. Amongst others, the grounds raised in support of the challenge to the said communication are:
 - a. That the order impugned does not contain any reasons and the reasons are sought to be substantiated through a subsequent affidavit.
 - b. The basis for rejection of the prayer for renewal of the certificate is the provision of Section 12(4)(e) of the Act of 2010, *vis-à-vis* the pendency of other criminal prosecution against the office bearers of the petitioner, though they stood acquitted in all the matters but for one criminal case.



c. In addition to the above, petitioner has also questioned the constitutional validity of Section 12(4)(e) of the Act of 2010, being violative of Articles 14, 19(1)(c), 19(1)(g), 20 and 21.

6. We are primarily concerned about the relief claimed by the petitioner, as regards the quashing of the impugned decision whereby the renewal was rejected.

7. The fact remains that the order impugned, whereby the renewal was rejected, was *sans* reasons or even the basic considerations. It was only by '*one-line e-mail*' that the respondents/Union of India rejected the prayer of the petitioner for renewal of the certificate for the period from 2016-2021.

8. Though the respondent/Union of India has tried to justify the said order by narrating the reasons in the affidavit, such conduct on the part of the respondent/Union of India cannot be said to be germane to the cause, in the sense that the orders impugned cannot be substantiated by reasons which are narrated through an affidavit placed on record by the respondents/Union of India. Such conduct of the respondent/Union of India reflects complete non-application of mind and can also be termed as in violation of principles of natural justice, thereby amounting to denial of opportunity.

9. In such an eventuality, the fact remains that the impugned order, in our opinion, cannot be sustainable.

10. There is one more facet to the matter, that for a period from 2016 to 2021, i.e. the period for which petitioner had sought renewal, in light of provisions under Section 16 read with Section 12 (4) of Act of 2010,



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there are certain subsequent developments *vis-à-vis* the law that has undergone certain changes.

11. Apart from above, we are informed at Bar by the counsel for petitioner that in all the criminal prosecutions, the office bearer of the petitioner stood acquitted but except in one, and such material perhaps will, in our opinion, have direct bearing over the appreciation *qua* the case of the petitioner for grant of renewal of the certificate.

12. In that view of the matter, we deem it appropriate to allow the petition thereby quashing and setting-aside the impugned communication dated 21st October, 2016.

13. We direct the respondents/Union of India to consider the request of the petitioner for renewal of certificate afresh having regard to the aforesaid observations.

14. We make it clear that it shall be open for the petitioner to submit all such material which according to him shall justify his claim for grant of renewal.

15. We expect the respondent/Union of India to deal with the request of the petitioner in light of the material to be made available by the petitioner, before it in support of the claim for grant of renewal of certificate, pursuant to the provisions of Section 16 of the Act of 2010 referred (*supra*) and passed appropriate order within a period of 90 days from today.

16. We have adhered to the timeline of 90 days, in view of the proviso to Sections 12 and 16 of the Act of 2010, which provides for grant/renewal of certificate of registration.



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17. We are equally sensitive to the fact that the respondent/Union of India is required to conduct an enquiry in the matter of grant of renewal pursuant to sub-section (4) of Section 12 of the Act of 2010 as the said provisions has to be read with Section 16 of the Act of 2010 which provides for renewal of the certificate.

18. We make it clear that this Court has not appreciated the issue of constitutional validity of Section 12(4)(e) of the Act of 2010, or that of the legality and maintainability of the prosecution against the office bearers. If so required, it shall be open for the petitioner to raise said issue, in case if order passed for renewal by the respondent/Union of India is averse to the interest of the petitioner.

19. We permit the petitioner to apply for renewal and submission of the documents, in support of such claim, online as well as through e-mail and physical mode within 30 days.

20. The petition, accordingly, stands allowed in the above terms. Pending application, if any, stands disposed of.

21. A copy of this judgment be uploaded on the website of this Court forthwith.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**ANISH DAYAL
(JUDGE)**

JULY 24, 2025/sky/tk