

Alkhuddam Travels Private Limited vs Union Of India on 12 May, 2023

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6357/2023

ALKHUDDAM TRAVELS PRIVATE LIMITED Petitioner

Through: Mr. Santosh Krishnan, Mr. Zulfikeer
Ali P.S., MS. Lakshmi Sree P. &
Lebina Baby, Advocates. (M:
9871368391)

versus

UNION OF INDIA

..... Respondent

Through: Mr. Anurag Ahluwalia CGSC & Mr.
Kaushal Jit Kait, Adv.
(M:9811418995)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 12.05.2023

1. This hearing has been done through hybrid mode.

2. The Petitioner - Alkhuddam Travels Pvt. Ltd., a Haj Group Organiser (HGO) has filed the present petition challenging the public notice dated 5th May, 2023 issued by the Ministry of Minority Affairs (Haj Division). By way of the impugned public notice, the Ministry has declared the eligible and ineligible HGOs for Haj 2023. The said communication is set out below:

"Subject: Registration of Haj Group Organisers for Haj 2023 - regarding.

With reference to this Ministry's circular No. HAJ- 20/28/2022- HAJ-MOMA dated 14.03.2023 inviting applications for registration and allocation of quota to the Haj Group Organisers for Haj 2023, a total of 810 applications were received in the Ministry for registration under 2 categories (244 in Category-1 and 566 in Category-2). These applications were examined in the Ministry in terms of the provisions of the Policy for Haj Group Organisers for Haj 2023 and on the basis of the documents/ information submitted by the HGOs in their application and their subsequent clarifications/ replies.

2. As a result of the scrutiny process, 171 HGOs in Category-1 and 340 HGOs in Category-2 have been found eligible for registration for Haj 2023. The list of eligible

HGOs in Cat-1 and Cat-2 is at Annexures I and II respectively. The list of 280 HGOs who are not found eligible for Haj 2023 is at Annexure-III. Further, in case the name of the HGO is not mentioned in the enclosed list, the HGO may also submit their representation to the Ministry within the due date mentioned below.

3. A committee has been constituted in the Ministry to look into issues related to the registration of HGOs for Haj 2023. Accordingly, the HGOs who wish to represent their case, may submit their representation to the Haj Division, 11th Floor, Pt. Deendayal Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi-110003 or through email to ushaj-mma@gov.in latest by 08.05.2023 (5 PM). The representations received after the due date and time will not be considered."

3. The case of the Petitioner is that it had submitted an application for allotment of Haj quota in terms of the Haj Policy, 2023. It is a registered HGO since 2003 and had filed an application in response to a circular dated 14th March 2023. Certain queries were also received, and the same was also duly replied to.

4. Ld. counsel for the Petitioner submits that in the public notice dated 5th May 2023 when the final lists of eligible and illegal HGOs were published, the Petitioner was not on any of the lists. Subsequently, he submitted representation on 6th May 2023, 7th May 2023, and 9th May 2023, however, the same has not been considered by the Ministry of Minority Affairs. It is submitted that the Petitioner is not aware of the status of his application at all.

5. In view of the above background and taking into consideration the order dated 9th May 2023 passed in W.P.(C) 6016/2023 titled Al Hatim Tours and Travels v. Union of India and other connected matters relating to HGOs, the following directions are issued:

i. The Petitioner's representations which have been submitted on 6th May, 2023, 7th May 2023, and 9th May, 2023 shall be decided by the Ministry of Minority Affairs and the said decision shall be communicated through email to the Petitioner by 6:00 p.m. on 19th May, 2023. ii. In case the Petitioner is found eligible its candidature shall be considered for the allotment of the remaining visas in accordance with the Ministry's policy.

6. The statement of Ld. Counsel which was made in W.P.(C) 6016/2023 that the quota shall not be exhausted till the representation of the Petitioner is decided is also made applicable to the present petition.

7. This petition, along with all pending applications, is disposed of.

PRATHIBA M. SINGH, J.

MAY 12, 2023 dj/kt