

# Sahara Centre For Residential Care And ... vs Union Of India & Anr on 17 December, 2024

**Author: Vibhu Bakhru**

**Bench: Tushar Rao Gedela, Vibhu Bakhru**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ LPA 1216/2024 & CM APPL. 73824/2024  
SAHARA CENTRE FOR RESIDENTIAL CARE AND  
REHABILITATION

.....Appell

Through:

UNION OF INDIA & ANR.

Through:

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% 17.12.2024

1. The petitioner had filed the present petition impugning an order dated 19.11.2024 passed by the learned Single Judge in W.P. (C) 15991/2024 captioned as Sahara Centre For Residential Care And Rehabilitation V Union of India . The petitioner had filed the said writ petition impugning a communication dated 30.03.2024 whereby the petitioner was informed that the competent authority had declined the petitioners application for renewal of the certificate under Section 12(4)(b) of the Foreign Contribution (Regulation) Act, 2010 ( thereafter the FCI), on the ground that the petitioner had not undertaken any activity for which the registration was granted under the FCI.

2. The learned Single Judge declined to entertain the writ petition on the ground that the petitioner had equally statutory remedies. The learned Single Judge noted that the petitioner had two alternative remedies i.e.

i) to either apply for a remedy under Section 32 of the FCI This is a digitally signed order.

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ii) to prefer an appeal under Section 31 of the FCI.

3. Initially the learned Single Judge had noted that the petitioner had already other remedy under Section 32 of the FCI. In the context also observed there is a decision rendered by the Central Government in respect of the petitioner's revision petition is adverse in the petitioner's interest the petitioner could be at liberty to avail statutory remedies provided under the FCI.

4. The learned counsel for the petitioner contends that although the petitioner had a remedy by way of a revision under Section 32 of the FCI 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 provision of a statutory appeal against an order passed by the Central Government in a revision petition passed by the Central Government under Section 32 of the FCI.

5. The learned counsel appearing for the respondent concurs with the said contention. Although 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 Chapter VII of the FCI. 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 This is a digitally signed order.

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(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.

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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 material to note that under Sub-section 2 of Section 31 of the FCI an appeal also lies against any order of the Central Government refusing to give permission under the FCI.

8. In the present case the petitioner's grievance alleged to a communication declining renewal of certificate under Section 16 of the FCI. The question whether declining of renewal of certificate would construe permission under the act is a debateable issue.

9. It is also apparent from the plain language of Section 32(4) of the Act that the revisionary powers of the Central Government are wide.

10. It is also clear that an appeal under Section 31 would not lie against an order passed by the Central Government exercise revisionary power under Section 32 of the FCI. To the said extent we concurred with the submission made by the petitioner that the observations made by the learned Single Judge to the said effect are erroneous.

11. 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 revenue states that he has instructions to state that the order was passed under Section 16 of the Act read with Section 12(4) of the FCI which is and therefore would be an appealable order under Section 31(2) of the FCI.

12. We do not consider it apposite to examine this question any further detail in this appeal as it is apparent that learned Single Judge declined to entertain the writ petition i.e. W.P. (C) 15991/2024 on the ground that the petitioner had wholly an efficacious remedy alternate remedy. Undisputedly This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 23/12/2024 at 21:29:06 the petitioner has remedy by way of the revision under Section 32 of the FCI. And, the petitioner exercised had right to avail of the said remedy.

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

14. 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 This is a digitally signed order.

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