

## Asfahan Tour And Travels vs Union Of India on 19 May, 2023

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
W.P. (C) 6743/2023, CM APPL. 26381/2023  
ASFAHAN TOUR AND TRAVELS

UNION OF INDIA

CORAM:

HON'BLE MR. JUSTICE GAURANG KANTH

% 19.05.2023 The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. On urgent mentioning, the present matter has been transferred from the Court of Hon'ble Ms. Justice Prathiba M. Singh.

2. Learned counsel for the petitioner has filed the present writ petition seeking a writ in the nature of Mandamus quashing/setting aside the letters/orders dated 10.05.2023 and 05.05.2023 and also to direct the respondent to register the petitioner for Haj-2023 and allot quota as per the HGO Policy for Haj-2023.

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3. Learned counsel for the petitioner submits that the Ministry of Minority Affairs (Haj Division) has declined to register the petitioner as Haj Group Organizer (HGO) for Haj-2023 on the ground that the petitioner has not submitted the physical copy of FDR and DD. Learned counsel further submits that he had sent the FDR of Rs. 30 lakhs as security Deposit and DD of Rs. 10,000/- as processing fee on 30.03.2023 through courier, which was delivered to the concerned Ministry on 31.03.2023. The tracking report which is annexed with the present petition reflects that the same was successfully delivered to the respondent.

4. Learned counsel for the petitioner has further referred to a copy of Demand Draft annexed with the writ petition to show that the original Demand Draft, which is brought by the petitioner today to the court, had the same date and number which was sent by the petitioner to the respondent through courier.

5. Learned counsel for the petitioner further submits that in order to submit the physical hard copies of the FDR and DD by hand, the petitioner specially came to Delhi, but, was not able to submit as the respondent refused to receive the same. Subsequently, the Petitioner wrote an email dated 12.05.2023 to the respondent describing the incident/situation while standing there itself in the respondent Ministry's office.

6. It is also submitted by learned counsel for the petitioner that he has also moved a representation through e-mail which is pending consideration before the authorities.

7. He further submits that this court, vide order dated 09.05.2023 passed in W.P.(C) 6016/2023 and 6025/2023 as well as in other Writ Petitions, gave a direction wherein similarly situated Haj Group Organizers were granted an 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 24/09/2023 at 18:18:56 opportunity to make the representation to the concerned Ministry by 12.05.2023 and further directed that the same shall be decided and communicated by 06:00 PM on 19.05.2023. Learned counsel further states that he has no objection if his representation shall also be decided by the respondent in terms of the order passed by this court on 09.05.2023.

8. Notice. Mr. Mukul Singh, CGSC with Ms. Ira Singh, Advocate for R-1/UOI accepts notice and submits that the FDR and DD were never received by them.

9. To put a quietus to the controversy, learned counsel for the petitioner has handed over FDR of Rs. 30 lakhs as security Deposit and DD of Rs. 10,000/- as processing fee to Mr. Shubhendu Shekhar Srivastava, Under Secretary, Ministry of Minority Affairs (Mob. No. 9873460302) today in this Court, who has received the same on the direction of this court. Respondent is further directed that the same shall be treated to have been received by the Ministry prior to the cut off date.

10. In view of the same, the present writ petition is disposed of with direction to the respondent to decide the representation filed by the petitioner by today i.e. 19.05.2023, 06:00 pm itself.

11. Further, without expressing any opinion, it is made clear that the respondent shall deal fairly with the representation of the petitioner and decide the same in parity with other similarly situated Haj Group Organizers.

GAURANG KANTH, J MAY 19, 2023/MS This is a digitally signed order.

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