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

+ **W.P.(C) 11598/2021**

GILES KNAPTON

..... Petitioner

Through: Mr. Manik Dogra, Mr. Sandeep Das,
Mr. Ninad Dogra and Mr. Dhruv
Pande, Advocates (M: 9990090052).

versus

MINISTRY OF HOME AFFAIRS AND ORS

..... Respondents

Through: Ms. Nidhi Raman CGSC with Mr.
Zubin Singh Advocate for R-1/UOI.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **15.04.2023**

1. This hearing has been done through hybrid mode.

CM APPL. 18096/2023 (seeking directions)

2. This is a fresh application moved by the Petitioner- Mr. Giles Knapton expressing urgency in view of the fact that the Petitioner's visa has not been extended by Respondent No.2-Foreigners Regional Registration Office ('FRRO') despite specific orders passed by this Court on 12th October, 2021 as also 2nd March, 2023.

3. The issue in this matter has arisen because, as recorded in order dated 12th October, 2021 the business visa issued to the Petitioner was converted to an X-Miscellaneous Visa ('the visa') in view of an FIR which was filed against the Petitioner where he is facing trial. The Petitioner's visa, upon conversion was held up with the Respondent No. 2 leading to the filing of



the present writ petition.

4. In the present writ petition, on 12th October, 2021 an order was passed by the Court permitting extension of the visa subject to the Petitioner providing information regarding the next date of hearing before the Id. Trial Court at Goa. In addition, the following observations was made by the Court:-

“1. Pursuant to the last order, Ms. Raman, learned counsel for the respondent has obtained instructions and submits that the petitioner’s business visa has been converted into X-Miscellaneous Visa as the petitioner after having been named as an accused in an FIR is presently facing trial. She submits that the Business Visa requires to be renewed on a yearly basis, which renewal is based on good conduct and, therefore, the respondents cannot be faulted for converting the petitioner’s Business Visa into X-Miscellaneous Visa. She further submits, on instructions, that even though the petitioner’s X-Miscellaneous Visa has presently been extended till 15.10.2021 as the next date of hearing before the learned Trial Court at Goa is 14.10.2021, the said visa will be suitably extended upon the petitioner providing information regarding the next date of hearing before the Trial Court.

2. In the light of the stand taken by the respondent, it is deemed necessary to call for a counter affidavit from them for which purpose four weeks’ time is granted. Rejoinder thereto, be filed within four weeks thereafter.”

5. Subsequent to the passing of this order, Respondents insisted upon an application being filed by the Petitioner for an extension of the visa despite having given information regarding the proceedings before the Trial Court. The said application was made by the Petitioner in August, 2022. As per the



Petitioner, it was only on 19th January, 2023 that the extension was granted for the period between 16th October, 2021 and 15th April, 2023.

6. While the visa period was coming to an end, again on 31st March, 2023, the Petitioner wrote to the Respondents seeking further extension of the visa. Along with the said email, the Petitioner also attached the proof of the next date of hearing before the Id. Trial Court as also previous orders of this Court. The said email dated 31st March 2023 reads as under:-

“Dear FRRO,

Further to previous correspondence please find attached the following documents-

- 1. High Court Order instructing my Visa be extended to the next date of hearing upon my informing you of the next date of hearing.*
- 2. My Current Visa which expires on 15th April 2023.*
- 3. Confirmation of the next date of court hearing to be heard on the 8th June 2023.*

The next date of hearing on the 8th June 2023 orders the Investigating Officer to appear in Court to produce the findings of the Further Investigation ordered by the Honourable Court Judge following the production of my Whatsapp chats and email correspondence with the complainant which clearly proves no wrong doing on my part.

I therefore respectfully request you to comply with the Delhi High Court Order, and honour your assurances before the Hon’ble High Court, to extend my Visa to the 8th June 2023.

I look forward to your confirmation of the same.

*Warm Regards,
Giles Knapton”*

7. On 31st March, 2023 itself, the Petitioner received a reply from Respondent No. 2- FRRO asking him to again apply for required visa related



service on the e-FRRO portal. The reply received on 31st March 2023 is as follows:

*“Kindly apply for required visa related service on eFRRO Portal.
Regards,
Team FRRO Mumbai”*

8. The grievance of the Petitioner is that the order is clear to the effect that the visa is to be extended merely on information being provided by the Petitioner of the proceedings in the trial court.

9. A perusal of the order dated 12th October, 2021 leaves no ambiguity that the visa is to be extended upon providing information regarding the next date of hearing before the Id. Trial Court. Further, vide the said order, the Petitioner has also been permitted to operate his bank accounts, release salaries, file its tax returns in respect of the two hotels which he is already running. He has not been permitted to start any new business. This, in effect means that the Petitioner can run the existing two hotels and take all necessary steps in respect of the said two hotels. Further, the order dated 12th October, 2021 also makes it clear that upon the Petitioner giving information to the Respondents of the next date of hearing before the Trial Court, the visa is to be renewed. However, the visa has not been renewed and a specific application is being called for every time.

10. Considering these circumstances, it is directed that the current visa, which is expiring today, shall be deemed to have been renewed for a further period till 26th July, 2023 which is the next date of hearing in this matter.

11. Since the extension of the said visa is being granted under orders of this Court, the Respondent shall inform the Petitioner within a week as to the manner in which the fee for the extension is to be deposited with the



Respondent, upon which the necessary fee and if any specific form is to be filled, the same shall be filled by the Petitioner.

12. The formal extension of visa shall be granted to the Petitioner by the Respondents- MHA/FRRO within two weeks, after the necessary documentation is completed.

13. Application is disposed of.

14. In view of the above order, the **CM APPL. 10286/2023** is also disposed of.

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15. List on 26th July, 2023, the date already fixed.

PRATHIBA M. SINGH, J.

APRIL 15, 2023

mr/dn