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

+ **W.P.(C) 9905/2024, CM No. 40656/2024 & CM No. 40657/2024**

DR. R.N. GUPTA TECHNICAL EDUCATIONAL SOCIETY

.....Petitioner

Through: Mr. Aseem Mehrotra, Advocate with
Ms. Deeksha Mehrotra, Advocate.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Nishant Gautam, Advocate with
Ms. Sanjana Mehrotra, Mr. Vinay
Kaushik, Mr. Mayank Sharma and
Mr. Ajay Kanojiya, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

22.07.2024

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1. The Petitioner, a society registered under the Societies Registration Act, 1860, has had their application for renewal of registration certificate under the Foreign Contribution (Regulation) Act, 2010¹, rejected under Section 16(1) read with Section 12(4)(b) of FCRA. Thereafter, upon the Petitioner filing a revision petition under Section 32 of FCRA, the revisional authority passed the impugned order dated 2nd July, 2024, dismissing the petition on the finding that since the Petitioner has not utilized any Foreign Contribution in the last five years, they are not entitled to renewal.

2. Mr. Aseem Mehrotra, Counsel for the Petitioner, submits that Section 12(4)(b) of FCRA does not stipulate that an organisation must utilise foreign

¹ "FCRA"



contribution in the last five years prior to renewal. The mandate as per this provision is for the person making an application to have undertaken reasonable activity in their chosen field for the benefit of the society for which the foreign contribution is proposed to be utilised. However, this is not the ground for rejection in the impugned order.

3. Issue notice. Mr. Nishant Gautam, Counsel for Respondent, accepts notice. Let a counter affidavit be filed within a period of four weeks from today. Rejoinder, if any, be filed within a period of four weeks thereafter.

4. Re-notify on 20th November, 2024.

SANJEEV NARULA, J

JULY 22, 2024

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