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

+ **W.P.(C) 10453/2024**

ABHAY KUMAR BHAGAT AND ORS.

.....Petitioners

Through: Mr. Sanjeev Sahay, Mr. Archit Rajput, Mr. Shagun Saproo, Mr. Karan Deep Singh, Mr. Shakeel Ahmed, Advocates.

versus

UNION OF INDIA THROUGH THE MINISTRY OF HOME AFFAIRS & ANR.

.....Respondents

Through: Mr. Vijay Joshi, Mr. Ankur Yadav, Ms. Katyayini Joshi, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

30.07.2024

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CM APPL. 43016/2024 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

W.P.(C) 10453/2024

4. Through the instant petition the Petitioners seeks direction to Respondent No.1 to release 25% of the funds in the FCRA account of Respondent No.2.
5. Respondent No.2's license was suspended by Respondent No.1 as per the provisions of Section 13(2) of the Foreign Contribution (Regulation Act), 2010. The Petitioners herein were employed with Respondent No.2



and are owed certain Unpaid employment dues from the said Respondent. However, the same cannot be disbursed as through suspension dated 14th June, 2023, the bank account of Respondent No.2 were seized.

6. Counsel for Petitioner places reliance on Section 13(2) of the FCRA read with Rule 14 of the FCRR which allows an NGO with a suspended FCRA License to utilise 25% of the unutilised foreign contribution. They urge that Respondent No. 2 can thus be permitted to utilise this amount towards payment of the Petitioners.

7. However, such possibility may arise only if Respondent No. 1 releases the 25% of the funds in the FCRA account on Respondent No. 2.

8. The Petitioners urge that they are only interested in the payment of their salaries and accordingly seek the prayer for Respondent No. 1 to allow Respondent No. 2 to utilise 25% of the unutilised foreign contribution.

9. Issue notice. Mr. Vijay Joshi, counsel for Respondent No. 1 accepts notice.

10. Mr Joshi raises an objection regarding the maintainability of the present petition. He submits that request to release this amount can only be made by Respondent No. 2 and not by the Petitioner.

11. Be that as it may, any directions in the matter would of course be issued after hearing Respondent No. 2.

12. However, in the meantime, Respondent No. 1 should also put forth their stand through their counter affidavit, as to whether they are willing to consider the Petitioner's request, assuming Respondent No. 2 also joins in making such a request.

13. Let the counter affidavit be filed within a period of four weeks from today.



14. Upon filing of process fee issue notice to Respondent No. 2 by all permissible modes returnable on the next date of hearing. On service, such Respondent shall file a counter-affidavit if any, with a period of four weeks from the date of service.

15. Re-notify on 14th November, 2024.

SANJEEV NARULA, J

JULY 30, 2024/ab