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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 5215/2021
CHRISTIAN EDUCATIONAL SOCIETY Petitioner
Through: Mr. Abishek Jebaraj, Advocate.
(M:9096063439)
versus

UNION OF INDIA & ANR. Respondents
Through: Ms.Nidhi Raman, CGSC, Mr. Syed
Hussain Adil Taqvi, GP & Mr. Zubin
Sengh, Advocate for UOI.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **07.05.2021**

1. This hearing has been done through video conferencing.

CM APPL. 16005/2021 (exemption from filing attested affidavit)

2. This is an application seeking exemption from filing duly attested affidavits. Binding the deponent of the affidavits to the contents of the application, the exemption is granted. However, the physical copy of the attested affidavits be filed in the Registry within two weeks after the physical court functioning resumes. Application is disposed of.

W.P.(C) 5215/2021 & CM APPL. 16004/2021 (for interim relief)

3. The Petitioner, in the present petition, prays for an extension of time, for opening of a bank account in the State Bank of India (*hereinafter* 'SBI'), New Delhi, under the Foreign Contribution Regulation Act, 2010 (*hereinafter* 'FCR Act'), pursuant to the notice dated 13th October, 2020, issued by the FCRA wing, Ministry of Home Affairs, Union of India, bearing *F.No.II/21022/23(35)/2019-FCRA-III*.

4. The Petitioner is a Non-Governmental Organisation, which has its FCRA bank account in the State Bank of India, Yerragondapalem Mandal Branch, Andhra Pradesh, Prakasam/Ongole, 523327.

5. The case of the Petitioner is that in terms of the amendments to Section 17 of the FCR Act, the Petitioner wanted to open its FCRA bank account in SBI, New Delhi. The last date as per the notification dated 13th October, 2020 for submitting the application, *qua* the same was 1st April, 2021. The Petitioner is stated to have submitted its documents to the SBI, New Delhi on 25th March, 2021. Thereafter, certain defects were raised in respect of the application. The same were communicated to the Petitioner on 27th March, 2021 and on 8th April, 2021. Thereafter, it is submitted, that the Petitioner's representative located in Delhi, has submitted all hard copies of the documents that are required for the said application and to open the FCRA Account in SBI, Delhi. However, owing to the pandemic situation, there has been some delay in the said submission of documents, and possibly even in the processing of the same by the SBI.

6. Mr. Abhishesk Jebaraj, Id. counsel for the Petitioner submits that an extension may be granted for opening of the said FCRA account beyond 31st March, 2021. Id. counsel for the Petitioner also expresses a difficulty that the Petitioner is unable to accept any foreign contributions or funding, in the meantime, which is jeopardizing its actions, given the dire situation of the pandemic, and need for such funding to provide social and economic help to the needy persons.

7. Issue notice.

8. Mr. Zubin Sengh, Id. Counsel accepts notice for the Union of India. He prays for time to take instructions as to how much time would be taken

in processing the Petitioner's application for opening of the FCRA account.

9. Let notice also be issued to the State Bank of India, FCRA Cell, 4th Floor, NDMB, 11 Sansad Marg, New Delhi, through its panel counsel - Mr. Rajiv Kapur (Mob. No.9716076533), who shall also be intimated about today's order and shall seek instructions as to whether the bank account in Delhi can be made functional at this stage, subject to the approvals being received, to enable the Petitioner to receive funds from abroad.

10. Mr. Abhishek Jebraj, Id. Counsel for the Petitioner to also inform Mr. Rajiv Kapur, Id. Counsel, about today's order, in order to enable him to take instructions in the matter before the next date.

11. List on 12th May, 2021.

PRATHIBA M. SINGH, J.

MAY 7, 2021

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