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

+ **W.P.(C) 6722/2018**

FELIX STEFAN KAYE

.... Petitioner

Through : Mr. Arjun Mukherjee, Advocate.

versus

**FOREIGNERS REGIONAL REGISTRATION OFFICE (FRRO),
DELHI**

.... Respondent

Through : Mr. Vivek Goyal, CGSC with
Mr. Devender Kaushik, Inspector
FRRO and SI Abhimanyu

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **29.06.2018**

CM No. 25496/2018

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) No. 6722/2018 and CM No. 25495/2018

Issue notice. In view of the order which I propose to pass, learned counsel for the respondent does not wish to file any counter affidavit.

The only basic contention raised by the learned counsel for the petitioner is that while passing the impugned order, the respondent has not even dealt with Petitioner's application seeking Overseas Citizenship of India (OCI) which had been submitted online on 12.04.2017 (Annexure P-8). He further submits that the petitioner had earlier also submitted similar online applications seeking OCI but despite specific directions given by this Court, vide its order dated 23.3.2018, the respondent while passing the impugned order, has not even dealt with the petitioner's application for OCI status. He further

submits that though the petitioner has submitted 3 online applications under the numbers quoted in the aforesaid online application, the respondent failed to accept the hard copy of the same from the petitioner only with an aim to harass him, despite his repeated visits to the office of the Respondent.

Learned counsel for the respondent, on instructions from Mr. Devender Kaushik, Inspector FRRO, submits that in view of the admitted position, that this Court had vide its order dated 23.3.2018 directed the respondent to consider the petitioner's OCI application, which consideration does not find any mention in the impugned order, the Petitioner may be granted liberty to submit a fresh application seeking OCI, which would be decided by the Respondent as per law. He further submits that in order to expeditiously decide the same, the Respondent would accept a hard copy of the said OCI application, if any, submitted by the Petitioner. He additionally submits that the hard copy of the application may be submitted to Inspector Harvinder Singh, Incharge OCI Cell in the office of the FRRO who will duly accept the same.

In view of the aforesaid stand taken by the parties, the impugned order dated 1st June, 2018 which is even otherwise in the teeth of the earlier order dated 23.3.2018, passed by the Court, cannot be sustained and is quashed.

Accordingly, the petitioner is granted liberty to submit a fresh OCI application to the Respondent within a period of one week by submitting a hard copy thereof to Inspector, Harvinder Singh, Incharge OCI Cell in the office of the FRRO, which will then be decided by the respondent within next four weeks by passing a reasoned and speaking order thereon. Needless to say, during the pendency of consideration of petitioner's application for OCI status,

no coercive steps would be taken against the petitioner and in case any adverse order is passed against him, the same will not be acted upon for two weeks time to enable the petitioner to take recourse to any appropriate remedy, in accordance with law.

The petition is disposed of with the aforesaid direction.

REKHA PALLI
(VACATION JUDGE)

JUNE 29, 2018
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