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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 09.12.2025

+ W.P.(C) 14067/2025, CM APPL. 57702/2025, CM APPL. 71873/2025, CM APPL. 71874/2025

AL RIFAI HAJ UMRAH SERVICE .....Petitioner

Through: Mr. Sulaiman Mohd. Khan, Ms. Taiba Khan, Mr. Gopeshwar Singh Chandel and Mr. Abdul Bari Khan, Advocates.

versus

UNION OF INDIA .....Respondent

Through: Ms. Avshreya Pratap Singh Rudy, CGSC along with Ms. Usha Jamnal, GP and Mr. Abhishek Kuwarbi, Advocates and Mr. Vikas Mohan, Under Secretary (MOHA).

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+ W.P.(C) 14092/2025 and CM APPL.57755/2025

M/S MALABAR HAJJ GROUP SERVICE .....Petitioner

Through: Mr. Sulaiman Mohd. Khan, Ms. Taiba Khan, Mr. Gopeshwar Singh Chandel and Mr. Abdul Bari Khan, Advocates.

versus

UNION OF INDIA .....Respondent

Through: Ms. Avshreya Pratap Singh Rudy, CGSC along with Ms. Usha Jamnal, GP and Mr. Abhishek Kuwarbi, Advocates and Mr. Vikas Mohan, Under Secretary (MOHA).

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+ W.P.(C) 14129/2025 & CM APPL. 57999/2025, CM APPL. 65472/2025



GULSHAN E MAKKAH TOURS AND TRAVELS .....Petitioner

Through: Mr. Sulaiman Mohd. Khan, Ms. Taiba Khan, Mr. Gopeshwar Singh Chandel and Mr. Abdul Bari Khan, Advocates.

versus

UNION OF INDIA AND ORS. .....Respondents

Through: Ms. Avshreya Pratap Singh Rudy, CGSC along with Ms. Usha Jamnal, GP and Mr. Abhishek Kuwarbi, Advocates and Mr. Vikas Mohan, Under Secretary (MOHA).

Ms. Zulfiker Ali P. S., Ms. Lakshmi Shree P and Ms. Lebina Baby, Advocates for R-2, 3 and 5.

Mr. Kotla Harshvardhan, Mr. Kshitij Maheshwari and Ms. Divija Mahajan, Advocates for R-6.

Mr. Joel, Advocate for R-7, 8 and 10.

**CORAM:**

**HON'BLE MR. JUSTICE SACHIN DATTA**

**SACHIN DATTA, J. (ORAL)**

1. The present petitions have been filed in the context of the Haj Policy for Combined Haj Group Organisers (CHGOs)/Haj Group Organisers (HGOs) framed by the Ministry of Minority Affairs (MoMA) for Haj-2026.
2. The petitioners in W.P.(C) 14067/2025 and 14092/2025 assail the rejection order dated 04.12.2024, whereby the MoMA rejected their application/s for registration and allocation of Haj quota for Haj-2025. The petitioners also challenge the notice dated 22.04.2025 issued by the respondent/MoMA, whereby quotas were allocated to existing HGOs for Haj-2026, thereby denying the said petitioners the opportunity to participate in the selection process for registration and allocation for Haj-2026.



3. It is the case of the petitioners in W.P.(C) 14067/2025 and 14092/2025 that the order dated 04.12.2024, disqualifying the petitioners for registration and allocation of quota for Haj-2025 is wholly arbitrary, illegal and unsustainable in law.

4. In W.P.(C) 14129/2025, the case of the petitioner is on a slightly different footing. The petitioner therein contends that despite being found eligible for quota for Haj-2025, the petitioner could not be accommodated in any of the 26 CHGOs and consequently, was not allocated any quota.

5. It is submitted that while finalizing the quota for Haj-2026, several wait-listed HGOs (forming part of CHGOs) were accommodated, notwithstanding that they had not been allocated any quota for Haj-2025. It is submitted that the petitioner in W.P.(C) 14129/2025 is similarly situated to the said HGOs who have now been accommodated for the first time for Haj-2026 and therefore there exists no justifiable basis for exclusion of the petitioner in W.P.(C) 14129/2025 for the purpose of allocation of quota for Haj-2026.

6. It is noted that the Policy for allocation of quota for Haj-2025 was upheld by the Supreme Court in "**Kolkata Tours and Travels Pvt. Ltd. (I) and Ors. vs. Union of India**" (W.P.(C) 35/2025). As such, any challenge to the Policy for allocation of quota for Haj-2025 stands foreclosed.

7. For Haj-2026, the Policy framed for Haj-2025 has been continued, except only that certain wait listed HGOs, who could not be accommodated/allocated quota in Haj-2025, have now been sought to be accommodated. The Policy for Haj-2026 is contained in a notice dated 25.08.2025 issued by the Ministry of Minority Affairs which reads as under:



## “NOTICE

*Subject : Combined Haj Group Operators (CHGO)/ Haj Group Operator (HGO) Policy for Haj 2026-regarding.*

*During the Haj Review Meeting held under the Chairmanship of Hon'ble Minister for Minority Affairs on 4th July, 2025, it was inter-alia decided that the quota of Indian pilgrims for Haj 2026 would be distributed in the ratio of 70:30 between Haj Committee of India (HCol) and Combined Haj Group Operators (CHGOs) respectively. So far Saudi Government has not allocated / communicated the exact quota of Haj 2026 for any country including India. However, to avoid any delay in compliance with the strict timelines from Saudi Government and on an assumption that the quota of India for Haj-2026 would remain the same as Haj-2025, a quota of 52,507 for Haj 2026 is being distributed among the qualified CHGOs, selected during Haj 2025, as per details below.*

*2. Reference is also invited to this Ministry's Notice No.Haj-15/6/2024-Haj-MoMA dated 22.04.2025 in respect of Haj 2025, whereby it was communicated that "The status quo of qualified HGOs (in all categories as per HGO policy for Haj-2025) will be maintained during Haj-2026. They would be eligible for the same quota for Haj-2026 subject to sufficient quota being provided by Saudi Government for Haj-2026. In compliance with Hon'ble Supreme Court's decision in M/s Kolkata Tours and Travels (I) Pvt. Ltd. & Ors vs Union of India, the quota actually made available would be adjusted on a pro-rata basis, to accommodate all HGOs including the waitlisted HGOs of Haj-2025, in the various CHGOs where they are members." To seek the willingness and readiness of all CHGOs for Haj 2026, an undertaking was sought by the Ministry in the meeting held on 15.07.2025 and the same has been received from all the CHGOs.*

*3. Reference is further invited to the Hon'ble Supreme Court's Order dated 06.03.2025 and 20.03.2025, whereby the HGO Policy for Haj 2025 was upheld. Taking all the circumstances into account, the overarching interests of the pilgrims, time being of essence-considering the short timelines provided by Saudi Government for Haj 2026 besides the fact that payment could not be made timely to the Saudi Government by the CHGOs, leading to curtailing of India's HGOs quota during Haj-2025, the competent authority has decided that the composition of CHGOs formed for Haj 2025 as per Notice No.Haj-15/6/2024-Haj-MoMA dated 22.4.2025 and subsequently submitted to the Ministry via MoUs would remain the same for Haj 2026 as well. The HGO Policy for 2025, based on the Saudi Guidelines stating that the Private entities (CHGOs) with a quota of 2000 or more only would be considered eligible and published vide Ministry's Notice No: HAJ-15/5/2024-HAJ-MoMA dated 07.09.2024 would remain valid for Haj 2026*



as well.

4. 3 HGOs, who were selected as per HGO Policy 2025 for Haj-2025, but could not become part of any CHGO, would proceed for their inclusion into any CHGO for Haj 2026, subject to their becoming a constituent of any CHGO.

5. The quota to each CHGO/HGO, as per their eligibility, would be decided as per the following:

i. Pro-rata reduction of quotas among the constituent HGOs of each CHGO keeping 2000 as the quota to be allocated vis-à-vis the quota as per their eligible categories and applying the same reduction percentage across all the categories of HGOs of the respective CHGO.

ii. The steps to arrive at exact quota of CHGO/HGO would be decided, as per following:

Step 1: Fix the base quota for each CHGO at 2000.

Step 2: Derive the percentage reduction required for each CHGO's quota to bring it down to 2000 vis-à-vis quota as per their eligible categories.

Step 3: Apply this percentage reduction uniformly across all categories of the respective CHGO. Rounding down the decimal numbers to nearest close integer number.

Step 4: On adjustment, every CHGO would receive a quota close to 2000 or less (due to rounding down).

Step 5: Add (iii): where, (i) remaining quota, as per calculation at Step 4 above (i.e., the number not rounded off to 2000 of each CHGO) and

(ii):  $\{(Quota\ of\ the\ CHGO-2000)/(61,400-52,000)\} \times 507$ .

And distribute this on pro-rata basis among category 2 HGOs of the respective CHGOs. In case, no further distribution of remaining quota is possible on equitable ground among the Category 2 HGOs of the respective CHGO, then the remaining quota would be decided based on Qurrah across Category 2 HGOs of the respective CHGO.

\*61400 is the summation of quota of all CHGOs as per their eligibility, excluding 3 HGOs who could not constitute in any CHGO.

6. To ensure a smooth and timely conduct of Haj-2026 for Indian pilgrims, as per the timelines of various activities communicated by the Saudi



*Authorities (copy enclosed), and to avoid any cut in quota for Haj 2026, as in Haj 2025, all CHGOs/HGOs are strongly advised to make payments and select Zones and Service Provider Company immediately.*

*7 In view of the above, the lead HGO, on behalf of the group is required to submit a Memorandum of Understanding (MoU) signed with the member HGOs for Haj 2026, to the Ministry as per the schedule and timeline indicated ibid. The MoU should clearly indicate the category and quota of each member HGO and the overall quota of the group ie.. CHGO.*

*8. To ensure good services for pilgrims of CHGO/HGO, in Mashaer, and to ensure that the quality of service provided to the pilgrims of HGOs improves, it is decided that the Ministry shall select a panel of Service Provider Companies (SPCs), out of which the CHGOs can select any Company.*

*9 The overall quota of each HGO and CHGO would be decided as per the formula indicated at para 5 above. Further, all CHGOs should submit the extended Fixed Deposit Receipt (FDR) upto 31 December, 2026 within the stipulated timeframe as indicated in para 10 below. In-case any CHGO is unable to adhere to the Ministry's timeline, then the quota of that CHGO/HGO would be transferred to the other CHGO/HGO/Haj Committee of India.”*

8. The rationale for Policy as contained in the Circular dated 25.08.2025 has also been duly explained on behalf of the Ministry of Minority Affairs. It is submitted that due to non-timely payments by several CHGO's on the Nusuk Masar Portal, the entire private quota of 52,507 pilgrims allotted to India was curtailed by the Kingdom of Saudi Arabia, and only 10,000 were restored after sustained persuasion by the Ministry of Minority Affairs and the Ministry of External Affairs. It is submitted that any disturbance to the carefully balanced quota structure this year risks recreating the same situation, thereby jeopardizing the interests of thousands of pilgrims and undermining the credibility and stability of the system.

9. It is emphasised that the Policy is dictated by the guidelines prescribed by the KSA which was implemented for the first time in Haj-



2025. The said guidelines mandate/contemplate that KSA would deal only with the entities with minimum quota of 2000 pilgrims. It is submitted that it is in this background that 839 distinct HGO's, each with different organisational structures, financial systems, management practices and regional presence, had to collectively reorganise themselves into only 26 CHGOs, each with a minimum operational capacity of 2,000 pilgrims.

10. In view of above, the Ministry *vide* Notice dated 22.04.2025 decided that the status quo of qualified HGOs (in all categories as per HGO policy for Haj-2025) will be maintained for Haj-2026 as sufficient funds (in respect of 42,507 pilgrims) were parked in the Nusuk portal and to assure that these pilgrims would be given priority in Haj 2026.

11. Further, in compliance with the directions of the Supreme Court of India in ***Kolkata Tours and Travels Pvt. Ltd.*** (supra) the quota made available for Haj 2026 by the KSA, has been adjusted on pro-rata basis among CHGOs/HGOs.

12. It is emphasised that no new HGO has been selected or granted a quota for Haj-2026 to strictly maintain the status quo. However, *vide* Paragraph 4 of the CHGO/HGO Policy for Haj 2026, a provision was made for the inclusion of the 03 HGOs, which were selected under HGO Policy for Haj 2025 but could not become part of any CHGO [this includes the petitioner in W.P.(C) 14129/2025]. Such HGOs were permitted to approach and become a part of any of the CHGOs for Haj 2026.

13. It is noticed that the petitioners in W.P.(C) 14067/2025 and 14092/2025 were not constituents of the 26 CHGOs for the purpose of Haj-2025. It is further noted that the Haj-2026 Policy, being a continuation of the Haj-2025 framework, essentially excludes the inclusion of any HGOs that



were not part of the ecosystem of the 26 CHGOs under Haj-2025 Policy.

14. The Policy for Haj-2026, which is in continuation of the Policy for Haj-2025, as noticed above, has already been upheld by the Supreme Court. As such, this Court is not persuaded to interfere with the said Policy.

15. Consequently, since the petitioners in W.P.(C) 14067/2025 and 14092/2025 were not part of the approved HGOs (forming part of the 26 CHGOs), no fault can be found with the action taken by the respondent for not considering their candidatures for allocation of quota for Haj-2026.

16. W.P.(C) 14067/2025 and W.P.(C) 14092/2025, are consequently dismissed.

17. However, as noticed, the petitioner in W.P.(C) 14129/2025 i.e. Gulshan E Makkah Tours And Travels stands on a different footing. The said petitioner was found to be an eligible HGO even for Haj-2025, but was unable to secure inclusion in any of the CHGOs. It is not disputed by the Ministry of Minority Affairs that quota can be allotted to the said petitioner (Gulshan E Makkah Tours And Travels) on it becoming constituent of any of the 26 CHGOs and upon adherence to the other prescribed procedural requirements for allocation.

18. During the course of hearing, attention is drawn to para H(v) of the Notice/Circular dated 04.10.2024 issued by the Ministry of Minority Affairs. The same, *inter-alia*, provides as under:

*“v. It is clarified that while the CHGOs shall be finalised on a first come first serve basis, HGOs who are unable to join any CHGO shall be facilitated by the Ministry to become a part of a CHGO.”*

19. In view of the aforesaid, it is directed that in respect of the petitioner in W.P.(C) 14129/2025 i.e. Gulshan E Makkah Tours And Travels, an



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endeavour shall be made by the Ministry of Minority Affairs to facilitate the inclusion of the said petitioner within a CHGO and to ensure consequential allocation of quota. For this purpose, it shall be open to the said Ministry to issue necessary directions to any of the CHGOs and to rework the allocation of quotas. Needless to say, the same shall be subject to adherence by the said petitioner i.e. Gulshan E Makkah Tours and Travels with all the applicable terms and conditions.

20. The present petitions stand disposed of in the above terms. Pending applications also stand disposed of.

**SACHIN DATTA, J**

**DECEMBER 9, 2025**

*at, ss*