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

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Date of decision: 16.01.2026

(35)

+ **LPA 779/2025, CM APPL. 80695/2025, CM APPL. 80696/2025,
CM APPL. 80697/2025 & CM APPL. 80698/2025**

AL RIFAI HAJ UMRAH SERVICE

.....Appellant

Through: Mr. Sulaiman Mohd Khan, Mr. Gopeshwar Singh Chandel, Mr. Abdul Bari Khan, Ms. Alvina Rais Khan and Mr. Yash Vardhan Mittal, Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Ms. Avshreya Pratap Singh Rudy, CGSC with Ms. Usha Jamnal, Ms. Nyasa Sharma and Mr. Ankit Khatri, Advocates.

AND

(36)

+ **LPA 780/2025, CM APPL. 80745/2025, CM APPL. 80746/2025,
CM APPL. 80747/2025 & CM APPL. 80748/2025**

M/S MALABAR HAJJ GROUP SERVICE

.....Appellant

Through: Ms. Taiba Khan, Mr. Gopeshwar Singh Chandel, Mr. Abdul Bari Khan, Ms. Alvina Rais Khan and Mr. Yash Vardhan Mittal, Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Ms. Avshreya Pratap Singh Rudy, CGSC with Ms. Usha Jamnal, Ms. Nyasa Sharma and Mr. Ankit Khatri, Advocates.



CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J (*Oral*)

1. These Appeals have been filed against the Judgement dated 09.12.2025 (“**Impugned Judgement**”) passed by the learned Single Judge of this Court dismissing Writ Petition (C) No. 14067/2025 and Writ Petition (C) No. 14092/2025 (“**Writ Petitions**”) filed by the Appellants challenging the Rejection Orders dated 04.12.2024 passed by the Respondent (“**Rejection Orders**”) and the Circulars dated 24.02.2025 and 28.02.2025 issued by the Respondent whereby restrictions / embargo was imposed for the Haj Group Operators (“**HGOs**”) to apply for Haj-2026 if they were found ineligible for Haj-2025 (“**Circulars**”).
2. The Appellants are HGOs and applied for the registration and allocation for Haj-2025, however, the same was rejected by the Respondent *vide* Rejection Orders. Being aggrieved by the Rejection Orders, the Appellants filed the respective Writ Petitions. The Appellants contended in the Writ Petitions that the Rejections Orders disqualifying the Appellants for registration and allocation of quota for Haj-2025 were wholly arbitrary, illegal and unsustainable in law. The Writ Petitions also challenged the Circulars whereby it was decided to maintain *status quo* with regard to the qualified HGOs under Haj-2025 for Haj-2026 and to extend the same quota to the HGOs selected under the Haj-2025 for Haj-2026 being arbitrary and discriminatory.
3. The Impugned Judgement decided that the policy for allocation of quota for Haj-2025 was upheld by the Supreme Court in *Kolkata Tours &*



Travels Pvt. Ltd. & Ors. v. Union of India, W.P.(C) No.35/2025 and, as such, any challenge to the policy for allocation of quota for Haj-2025 stood foreclosed. For Haj-2026, the policy framed for Haj-2025 was continued with an exception of accommodation for certain waitlisted HGOs. The Impugned Judgement held that as the Appellants were not selected and formed part of the HGOs for Haj-2025, and the said policy having been upheld in ***Kolkata Tours (supra)***, and the Haj-2026 being a continuation of the Haj-2025 framework, the Appellants cannot challenge the action taken by the Respondent for not considering the allocation for quota for Haj-2026. Accordingly, the Writ Petitions were dismissed.

4. The learned Counsel for the Appellants have submitted that the Impugned Judgement did not consider the reasons cited by the Respondent for disqualification of the Appellants *vide* Rejection Orders as the disqualification / rejection of the Appellants was arbitrary, illegal and in violation of fundamental rights of the Appellants. The Rejection Orders were passed in a mechanical and cryptic manner and maintaining *status quo* with regard to the qualified HGOs under Haj-2025 policy for Haj-2026 as well and to extend the same quota to the HGOs selected under the Haj-2025 for Haj-2026 was arbitrary and discriminatory. Accordingly, the Appellants will not be qualified to apply for registration and allocation of Haj quota in coming years as due to disqualification / rejection of the Appellants for two consecutive years of 2025 and 2026, the Appellants will not meet the minimum requirement of turnover prescribed for making the future application.



5. The learned CGSC appearing for the Respondent submitted that the Rejection Order passed in December, 2024 passed by the Respondent was challenged in September, 2025 after a delay of more than nine months. Therefore, the issue before the learned Single Judge in the Writ Petitions was restricted to extension of Haj-2025 policy to Haj-2026. The Impugned Judgement has correctly rejected the Writ Petitions in view of the decision of the Supreme Court in **Kolkata Tours** (*supra*), which upheld the policy for Haj-2025 and extension thereof to Haj-2026 pursuant to the directions of the Supreme Court in **Kolkata Tours** (*supra*), whereby the quota available for Haj-2026 has been adjusted on *pro rata* basis, has already been fully implemented as all the payments have already been made on the concerned portal to the Kingdom of Saudi Arabia for Haj-2026. Accordingly, there is no quota available for Haj-2026.

6. We have heard the learned Counsel for the Appellants at length on merits of these Appeals and considered the submissions made by the learned CGSC for the Respondent.

7. Although the Appellants have made extensive submissions on the merits for setting aside of the Impugned Judgement as it has not considered the flaws in the Rejection Orders disqualifying / rejecting the Appellants for registration / allocation of quota for Haj-2025, in view of the submissions made by the learned CGSC with regard to delay in challenging the allocation for Haj-2025 and restricting the issue before the learned Single Judge only to the challenge to the Circular and not the Rejection Order, it would not be appropriate to go into the merits of challenge to the Rejection Order for the first time in these Appeals as perusal of the Impugned Judgement clearly



shows that the same was not agitated before the learned Single Judge. By the time Writ Petitions were filed and considered, the allocation for Haj-2025 was completed and the Supreme Court had also upheld the same in *Kolkata Tours (supra)*. Therefore, there is no question of reopening the same again in these Appeals.

8. As regards the extension of Haj-2025 policy to Haj-2026 by way of the Circulars, the learned CGSC has now submitted that even for Haj-2026, the allocation for quota has been completed and there is no scope for accommodation of the Appellants for allocation for Haj-2026 as all the payments have already been made on the concerned portal to the Kingdom of Saudi Arabia for Haj-2026.

9. In view of the above, only concern of the Appellants which remains is that the Rejection Orders and the Circular should not come in way of the Appellants for future applications for registration and allocation of Haj quota. The learned Counsel for the Appellants submitted that the Appellants would be satisfied if the Respondent were to make a statement that the rejection for Haj-2025 and non-participation by the Appellants for Haj-2026 pursuant to the extension of the policy of Haj-2025 to Haj-2026, will not have any implication on the Appellants' application in future for registration and allocation of quota for Haj-2027 for any year thereafter.

10. Accordingly, the learned CGSC was requested to take instructions whether the Respondent is willing to make such a statement that Rejection Orders rejecting the Appellants' application for registration and allocation of quota for Haj-2025 shall not come in the way of the Appellants applying for Haj-2027 or thereafter. These Appeals were passed over for the same.



11. When these Appeals were taken up after the passover, the learned CGSC has produced written instructions from the Respondent stating that *“the Impugned Order dated 04.12.2024 rejecting the Petitioner’s application for Haj-2025 shall not impede or have any bearing on the Petitioner applying for Haj 2027 or any year thereafter.”*

12. The above statement on behalf of the Respondent is taken on record and the Respondent is directed to be bound by the same. It is observed that the rejection of the Appellants for allocation of Haj-2025 and non-participation of the Appellants for Haj-2026 due to extension of Haj-2025 allocation to Haj-2026 shall not impede or have any bearing on the Appellants’ application for Haj-2027 or any year thereafter and the same shall be decided on its own merits in accordance with the applicable law without being influenced by the Rejection Orders dated 04.12.2024.

13. In view of the above statement and the observation, the Appellants do not wish to press these Appeals and the present Appeals stand disposed of with the aforesaid directions.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

JANUARY 16, 2026/ ‘A’