IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 194 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 05/02/2026 in W.P.No. 37054 of 2025 on the file of the High Court.

Between:

Sri Balvinder Singh, S/o. Sri Huzur Singh, Aged about 56 years, Occ. Business, R/o. Plot No. 905, Road No. 46, Jubilee Hills, Hyderabad.

...APPELLANT/WRIT PETITIONER

AND

1. The Union of India, Represented by its Principal Secretary, Ministry of External Affairs, Patiala House, Tilak Marg, New Delhi - 110 001.
2. The Joint Secretary (PSP) and Chief Passport Officer, CPV (Consular, Passport and Visa Division), Ministry of External Affairs, New Delhi.
3. The Regional Passport Officer, Hyderabad. D.No.8-2-215 to 219, Near Prashant Theatre, Kummarguda, Secunderabad, Telangana State - 500 003.

...RESPONDENTS/RESPONDENTS

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No. 3 to renew my passport bearing No. C8709284 for a period of ten years, pending the disposal of the above Writ Appeal.

Counsel for the Appellant: SRI PRABHAKAR SRIPADA, SENIOR COUNSEL FOR SRI SETTY RAVI TEJA
Counsel for the Respondents: SRI B.NARASIMHA SHARMA, ADDL. SOLICITOR GENERAL OF INDIA FOR SRI N.BHUJANGA RAO, Deputy Solicitor General of India

The Court made the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.194 of 2026

Dated: 17.02.2026

Between:

Sri Balvinder Singh

...Appellant

and

The Union of India,
Represented by its Principal Secretary,
Ministry of External Affairs,
Patiala House, Tilak Marg,
New Delhi – 110 001,
and 2 others.

...Respondents

JUDGMENT:

Learned Senior Counsel Sri Prabhakar Sripada, representing learned counsel Sri Setty Ravi Teja, appears for the appellant.

Sri B.Narasimha Sharma, learned Additional Solicitor General of India, representing Sri N.Bhujanga Rao, learned Deputy Solicitor General of India, appears for the respondents.

2. The instant appeal is preferred against the judgment dated 05.02.2026 passed by the learned writ court in W.P.No.37054 of 2025 filed by the appellant.

3. The appellant's prayer to set aside the order dated 18.11.2025 dismissing his appeal under Section 11 of the Passports Act, 1967 (hereinafter referred to as, "the Act"), and confirming the order of respondent No.3 dated 11.08.2025 rejecting his request for renewal of passport for ten years, has been dismissed vide the impugned judgment of the learned writ court.

4. In order to deal with the issue at hand, the relevant chronology of dates are only being referred to for brevity. The appellant is facing criminal cases, such as i) R.C.No.1 of 2019 before the learned Central Bureau of Investigation (CBI), Bank Securities and Fraud Cell (BS&FC) in Bengaluru and ii) he is facing the prosecution under the Prevention of Money Laundering Act, 2002 (PMLA), being S.C.No.264 of 2022, pending before the learned Metropolitan Sessions Judge, Hyderabad. On expiry of his passport on 25.08.2023, subject to the conditions prescribed by the learned writ court in W.P.No.30664 of 2023, a fresh passport valid up to 08.01.2025 was issued on 09.01.2024. The passport of the appellant was renewed again on 01.03.2025, which is going to

expire on 28.02.2026. His request for renewal of the passport for ten years made on 18.07.2025 was rejected by the Regional Passport Officer, Hyderabad, on 11.08.2025 relying upon Section 6(2)(f) of the Act and GSR 570(E), dated 25.08.1993. The appeal filed by the appellant was also dismissed on 18.11.2025. The writ petition was preferred assailing the aforesaid two orders.

5. The writ petition was dismissed relying upon Section 6(2)(f) of the Act and the guidelines issued in GSR 570(E), dated 25.08.1993. The learned writ court also went on to observe that the appellant has not arrayed his creditors as respondents to the writ petition, who are the number of banking institutions, including the prosecuting agency, as his travel to abroad may have an impact on his creditors. The orders impugned in the writ petition were upheld in the light of Section 6(2)(f) of the Act and GSR 570(E), dated 25.08.1993.

6. Learned Senior Counsel for the appellant has questioned the said decision on a number of grounds. He has placed reliance upon the recent decision of the Apex Court in the case of **Mahesh Kumar Agarwal v. Union of India**[1] (SLP (Civil) No.17769 of 2025, dated 19.12.2025). It is contended that the learned writ court, despite citing

[1] 2025 SCC OnLine SC 2887

the aforesaid decision, failed to take into consideration the ratio rendered therein. The appellant's passport is going to expire on 28.02.2026. He has obtained the permission to travel abroad from the learned Sessions Judge, Hyderabad, in the Sessions Case No.264 of 2022 of Enforcement Directorate, Hyderabad, vide order dated 09.01.2026. This permission is impliedly No Objection Certificate (NOC) for renewal of passport as well. Therefore, the impugned judgment may be set aside and the passport authorities may be directed to renew the appellant's passport for a period of ten years, otherwise his right to travel abroad would be unreasonably restricted.

7. Learned Additional Solicitor General of India appearing for the respondents has submitted that the appellant ought to have obtained NOC from the trial court where criminal case is pending against him for renewal of his passport for the duration which the trial court may deem it proper to grant NOC in his favour. He submits that this approach has been approved by this Court in the case of **Nidhi Agarwal v. Union of India**[2]. The permission to travel abroad vide order dated 09.01.2026 passed by the learned Sessions Judge, Hyderabad, cannot be equated with the NOC for seeking renewal of passport. The appellant, despite

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[2] 2025 SCC OnLine TS 1778

being conscious of expiry of his passport on 28.02.2026, did not make a specific application for that purpose.

8. Learned counsel for the appellant submits that, if so directed, the appellant would approach the learned trial court for issuance of NOC. The learned trial court may be directed to consider the application of the appellant expeditiously keeping in mind that the passport is to expire on 28.02.2026.

9. We have considered the submissions of the learned counsel for the parties and the materials placed from the record and also the decision rendered by the Apex Court in the case of **Mahesh Kumar Agarwal** (supra).

10. The background facts taken note of in the above paragraphs indicate that the appellant got his passport renewed earlier for a period of one year pursuant to a specific direction passed in W.P.No.30664 of 2023 laying down certain conditions. After expiry of the said period, his passport was again renewed on 01.03.2025 for a period of one year, which is going to expire on 28.02.2026. However, his application for renewal of passport for ten years made on 18.07.2025 stood rejected

citing the provisions under Section 6(2)(f) of the Act and GSR 570(E), dated 25.08.1993, which are extracted hereunder:

Section 6(2)(f) of the Act:

"6. **Refusal of passports, travel documents, etc.:-**

...

(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely:--

...

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;"

GSR 570(E), dated 25.08.1993:

"GSR 570(E) - In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act, 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No. GSR 298(E) dated the 14th April 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of subsection (2) of Section 6 of the said Act, subject to the following conditions, namely:-

(a) the passport to be issued to every such citizen shall be issued-

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year;

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year;

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the

passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a)(ii) and (a)(iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of (a)(i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued."

11. The appellate authority upheld the order. It is also evident that the appellant has not made an application for issuance of NOC. The Office Memorandum dated 10.10.2019 reiterates GSR 570(E) to be strictly applied in all cases and prescribes further guidelines regarding the procedure for processing of applications for renewal of passport. The relevant extract of Office Memorandum, dated 10.10.2019, reads as under:

"3. It may be noted that applicants may be refused passports only on grounds mentioned under Section 6(2) of the Passports Act, 1967. Section 6(2)(f) of the Act states that the passport authority shall refuse to issue a passport or travel document to an applicant on the ground that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India. GSR 570(E) dated 25.8.1993 was introduced to give relief to such applicants against whom criminal proceedings are pending before any Court of law in India but who may need to travel abroad for some urgent business. With an undertaking under GSR 570(E) and an order from the Court, an

applicant could be issued a short validity passport of one year validity or for the period specified by the Court.

4. It has been noticed that there are an increasing number of references being received regarding passport applications attracting Section 6(2)(f). It has also been brought to Ministry's notice that there are a number of complex issues involved while processing such applications. During the proceedings in a recent court case, the Hon'ble High Court of Delhi in W.P. (CRL) No. 2844/2018 /CRL.M.A 48674/2018 has directed that guidelines be issued by the Ministry reiterating the procedure for processing of such applications and emphasizing that such applications need to be processed with due care and diligence.

5. In view of the above, the following instructions may be adopted while processing the passport applications in respect of those applicants who may have criminal proceedings pending before a criminal court in India:

(i) The provisions of GSR 570(E) may be strictly applied in all cases. GSR 570(E) is a statutory notification and hence forms part of the Rules. It is to be noted that as per Section 5(2) of the Passports Act, 1967, the passport authority shall by order in writing take a decision whether to issue or refuse a passport, *after making such inquiry*, if any, as it may consider necessary. Moreover, Section 7 of the Passports Act, provides that a passport or travel document may be issued for a shorter period than the prescribed period if the passport authority, for reasons to be communicated in writing to the applicant, considers in any case that the passport or travel document should be issued for a shorter period. Rule 12 of the Passport Rules, 1980 only states that an ordinary passport shall be in force for a period of 10 years which implies that an ordinary passport cannot be issued beyond a period of 10 years.

(ii) Whenever an applicant is submitting a 'No Objection Certificate' (NOC) from a Court of law in India, the applicant should be advised that undertaking as per GSR 570(E) should be complete in all respects and should mention all the pending criminal cases against the applicant. The undertaking will have a note clearly stating that if any false or incomplete information is submitted by an applicant, then his passport application is liable to be rejected.

(iii) Extant instructions clearly lay down that such applications should be processed on pre-Police Verification (PV) mode. "Pre-PV" would be mandatory in all cases of applications

submitted with GSR 570(E) to ensure that the undertaking submitted by the applicant is properly matched with the criminal cases mentioned in the Police Verification Report (PVR). Hence, such applications should not be accepted under Tatkaal nor such applications be moved to "post-PV" mode or "No-PV" mode without proper justification and approval to be recorded in writing.

(iv) If an undertaking is incomplete or misleading and the applicant is found to have suppressed details of other criminal cases against the applicant, a Show Cause Notice should be issued to the applicant and action initiated against that applicant as per provisions of Section 12 of the Passports Act, 1967. If information that an applicant has obtained a passport by making a false submission or by suppressing material facts comes to light after the passport has been issued, the passport may be impounded or revoked as per provision of Section 10(3) (b) of the Passports Act, 1967, after following the due procedure.

(v) In case where the first Police Verification(PV) is 'Adverse', secondary police verification may be generated. While a secondary PV is generated, it should be accompanied by a detailed letter seeking clarification regarding the pending criminal cases against the applicant and the status of these cases. Apart from generating secondary PVR, the passport officers may, if considered necessary, call for discreet enquiry through the police authorities by sending the court order submitted by the applicant or even seek verification from other government agencies/departments, as the case may be.

(vi) In case where the secondary Police Verification is also 'Adverse', it may be examined whether the details brought out in the police report match the undertaking submitted by the applicant. It may be noted that mere filing of FIRs and cases under investigation do not come under the purview of Section 6(2)(f) and that criminal proceedings would only be considered pending against an applicant if a case has been registered before any Court of law and the court has taken cognizance of the same.

(vii) If the details given in the police report and the undertaking submitted by the applicant are matching, then the 'No Objection Certificate' issued by a Court of law submitted by the applicant would take precedence over any 'Adverse report submitted by the police. In such cases, the 'Adverse' report may be overruled with the written approval of the Passport Officer.

(viii) If the details given in the PVR and the undertaking submitted by the applicant are at variance, then a notice may be issued to the applicant calling for clarification and advising the applicant to submit details of all pending criminal cases as well as to submit a revised No Objection Certificate (NOC).

(ix) If it is brought to the notice of the authority that an applicant has criminal proceedings arrayed against applicant before several courts of law, then the applicant may be advised to get NOC from all the concerned court(s). Normally, the Court Order would make a mention of the cases pending against the applicant as well as the prayer made by the applicant. This may be examined along with the undertaking submitted by the applicant and complaints or other court orders, if any, that may have been received against the applicant.

(x) It may noted that GSR 570(E) only exempts an applicant from the operation of Section 6(2)(f) and none of the other sub-sections of Section 6(2) of the Passports Act, 1967.

(xi) A revised Undertaking under GSR 570(E) is attached at Annexure 'A'.

(xii) Passport Officers may issue an internal SOP along the above lines so that there is no confusion in handling of applications that would attract provisions of section 6(2)(f) of the Passports Act, 1967.

6. The above instructions may be noted for strict compliance with immediate effect.

Sd/-
(Arun Kumar Chatterjee)
Joint Secretary (PSP) &
Chief Passport Officer"

12. On perusal of the judgment passed by the Apex Court in **Mahesh Kumar Agarwal** (supra), paragraphs 10 and 11 of which are quoted hereunder, it would be clear that the Apex Court, while reading GSR 570(E) observed that persons facing criminal proceedings are not to be

treated as absolutely disentitled to a passport. Instead, it permits such persons to obtain a passport, notwithstanding Section 6(2)(f) of the Act, where the concerned criminal court has applied its mind and passed an order in relation to issuance or use of the passport and where the applicant furnishes an undertaking to appear before the court as and when required. Secondly, it structures the exercise of that exemption by tying the validity and use of the passport to the terms of the court's order. Thus, where the court specifies a period for which the passport is to be issued, the passport authority must honour that period. Where the court does not stipulate any period, the notification provides default rules, including issuance for a shorter period, ordinarily one year, in appropriate cases. The Apex Court went on to observe that what the notification does not do is to create a new substantive bar beyond Section 6(2)(f) of the Act, or to insist that the criminal court must, in every case, grant a prior blanket permission to "depart from India" for specified dates as a jurisdictional precondition to the very issue or re-issue of a passport. The Office Memorandum dated 10.10.2019 does not create a new regime. It reiterates that GSR 570(E) must be "strictly applied" and explains the procedure where criminal cases are pending and makes it clear that NOC or permission from the criminal court, read with the applicant's undertaking, may override an adverse police report

with reasons recorded by the Passport Officer. It contemplates situations where more than one court is dealing with the matter and indicates that the orders of all such courts are to be read together. The Office Memorandum is thus an administrative restatement of the position under Sections 6(2)(f) and Section 22 of the Act and GSR 570(E) cannot add to or cut down the exemption which the notification itself grants.

> "10. On a plain reading, GSR 570(E) does two things. First, it recognises that persons facing criminal proceedings are not to be treated as absolutely disentitled to a passport. Instead, it permits such persons to obtain a passport, notwithstanding Section 6(2)(f), where the concerned criminal court has applied its mind and passed an order in relation to issuance or use of the passport and where the applicant furnishes an undertaking to appear before the court as and when required. Secondly, it structures the exercise of that exemption by tying the validity and use of the passport to the terms of the court's order. Thus, where the court specifies a period for which the passport is to be issued, the passport authority must honour that period. Where the court does not stipulate any period, the notification provides default rules, including issuance for a shorter period, ordinarily one year, in appropriate cases. What the notification does not do is to create a new substantive bar beyond Section 6(2)(f), or to insist that the criminal court must, in every case, grant a prior blanket permission to "depart from India" for specified dates as a jurisdictional precondition to the very issue or re-issue of a passport.
>
> 11. The OM dated 10.10.2019 does not create a new regime. It reiterates that GSR 570(E) must be "strictly applied", explains the procedure where criminal cases are pending and makes it clear that a "no objection certificate" or permission from the criminal court, read with the applicant's undertaking, may override an adverse police report with reasons recorded by the Passport Officer. It also contemplates situations where more than one court is dealing with the matter and indicates that the orders of all such courts are to be read together. The OM is thus an administrative restatement of the position under Section 6(2)(f), Section 22 and GSR 570(E), and cannot add to or cut down the exemption which the notification itself grants."

13. In the light of the principle laid down by the Apex Court concerning the interpretation of GSR 570(E) dated 25.08.1993 and Office Memorandum dated 10.10.2019, we are of the considered view that the appellant should make an application for seeking NOC from the concerned trial courts where criminal cases are pending against him. It is upon issuance of NOC that the appellant should file an application for renewal of the passport. In case the courts prescribe a period for which the passport is to be issued, the passport authority should honour that period. Otherwise, if it does not stipulate any period, the notification provides default rules, including issuance for a shorter period, ordinarily one year, in appropriate cases.

14. Since the passport of the appellant is going to expire on 28.02.2026, the appellant is at liberty to make an application for issuance of NOC from the concerned courts within this week. If such an application is made before the learned courts, the learned courts would endeavour to take it up expeditiously, preferably within a week, and pass appropriate orders after hearing the parties. It is for the appellant to seek renewal of passport based upon such NOC before the Regional Passport Authority. Needless to say, the Regional Passport Authority would consider the request of extension in accordance with law i.e., the

Passports Act, 1967, GSR 570(E) dated 25.08.1993 and Office Memorandum dated 10.10.2019 applicable to the case on hand.

15. While parting, we may observe that in the case of the appellant himself in W.A.No.1283 of 2025 when the appellant's appeal in relation to issuance of passport was pending before the Joint Secretary (PSP), Ministry of External Affairs, New Delhi, the learned Division Bench of this Court had observed at paragraph 7 that Section 11 of the Act makes it clear that there is no requirement to implead any other party to the appeal including entities who may have filed complaints against the appellant. In the light of the same, the observation of the learned writ court in the impugned judgment at paragraph 12 that the appellant ought to have impleaded the creditor banks, CBI etc., as respondents, cannot be sustained. Accordingly, the observation is set aside.

16. Accordingly, the instant appeal is disposed of in the manner and to the extent indicated hereinabove. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/- A.V.S.PRASAD
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Union of India, Ministry of External Affairs, Patiala House, Tilak Marg, New Delhi - 110 001.
2. The Joint Secretary (PSP) and Chief Passport Officer, CPV (Consular, Passport and Visa Division), Ministry of External Affairs, New Delhi.
3. The Regional Passport Officer, Hyderabad. D.No.8-2-215 to 219, Near Prashant Theatre, Kummarguda, Secunderabad, Telangana State - 500 003.
4. One CC to SRI SETTY RAVI TEJA, Advocate [OPUC]
5. One CC to SRI N.BHUJANGA RAO, Deputy Solicitor General of India [OPUC]
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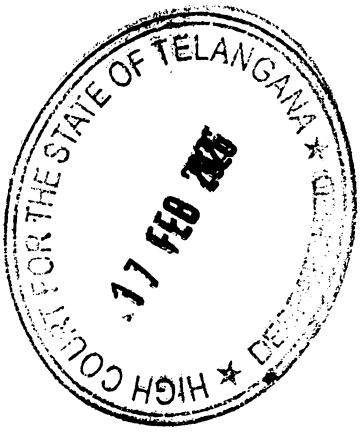
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URGENT

HIGH COURT

DATED:17/02/2026



JUDGMENT

WA.No.194 of 2026

DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS

17/2/26.