

In the Supreme Court of Bangladesh
High Court Division
(Special Original Jurisdiction)

Present:

Mr. Justice Sikder Mahmudur Razi

-And-

Mr. Justice Raziuddin Ahmed

Writ Petition No.5179 of 2022

In the matter of:

An application under Article 102
of the Constitution of the
People's Republic of Bangladesh

-And-

In the matter of:

Walton International Limited

... Petitioner

-Versus-

The Government of Bangladesh, and
others.

... Respondents

Mr. Shaif Arif Newaj, Advocate

... For the Petitioner

No one appears

... For the Respondents

Heard & Judgment on 01.12.2025

Raziuddin Ahmed, J:

On an application under Article 102 of the Constitution of the People's
Republic of Bangladesh a Rule was issued in the following terms,

*“Let a Rule Nisi be issued calling upon the respondents to show cause as
to why the impugned order dated 24.12.2019 passed by the respondent
No. 3 rejecting the application for renewal of Travel Agency License
filed by the petitioner (Annexure-B2) and order dated 24.12.2020 passed
by the respondent No. 2 rejecting the appeal filed by the petitioner
against the order dated 24.12.2019 passed by the respondent No. 3*

(Annexure-E) should not be declared to have been passed without lawful authority and is of no legal effect and as to why the respondent Nos. 1-4 should not be directed to renew the Travel Agency License of the petitioner namely "Walton International Limited" and /or pass such other or further order or orders as to this Court may seem fit and proper."

2. The facts relevant for disposal of this Rule, in brief, are that the petitioner Walton International Limited obtained a travel agency registration certificate from the Ministry of Civil Aviation and Tourism on 03.08.2002 for ticketing business of various airlines including domestic and international. Subsequently the petitioner renewed the registration certificate time to time. Last time the Registration Certificate was renewed on 01.01.2017 for a period of 3 years that is upto 31.12.2019. As per Rule 5 of the Bangladesh Travel Agency (Registration and Control) Rules, 2014 the petitioner is required to submit the application for renewal at least 60(sixty) days before the date of expiry, that is, last date of submission of the application was on 31.10.2019. But the petitioner submitted application for renewal of his travel agency registration certificate on 11.11.2019. The respondent No.3 by issuing an order dated 24.12.2019 rejected the application for renewal on the ground that as per the report of the investigating officer dated 23.12.2019 the office of the petitioner could not be found in the address mentioned in the renewal application. The petitioner then preferred an appeal before appellate authority, the Ministry of Civil Aviation and Tourism on 13.12.2020. The appellate authority, the Respondent No. 2 after hearing the petitioner rejected the appeal on 24.12.2020 on the ground that the Appeal is barred by limitation.

3. The learned advocate Mr. Sharif Arif Newaj appearing on behalf of the petitioner submits that the Respondent No.3 and 4 did not serve any notice upon

the petitioner to explain his position and without hearing the petitioner rejected the application of the petitioner to renew the registration certificate which is arbitrary and illegal. The learned advocate also submits that the Investigation Officer did not serve any notice upon the petitioner before investigation and the petitioner could not get any opportunity to inform the investigation officer that due to repair of the shop the signboard of the office was misplaced as such the Investigation Officer could not find out the office. The learned advocate finally submits that before rejecting the appeal the respondents failed to take into consideration that due to COVID-19 there was a countrywide lockdown and it was not possible for the petitioner to collect the documents in time which is required for extension. The respondent Nos.3 and 4 without considering the aforesaid facts and circumstances rejected the application for renewal as well as the appeal in an arbitrary manner as such the impugned orders are liable to be declared as illegal and without any lawful authority.

4. No one appears to oppose the Rule.

5. We have heard the advocate for the petitioner and perused the writ petition and the annexures annexed thereto.

6. It appears from the writ petition that the petitioner has challenged two orders, that is order dated 24.12.2019 passed by the respondent No.3 rejecting the application for renewal of the travel agency registration certificate filed by the petitioner (Annexure B-2 to the writ petition) and order dated 24.12.2020 passed by the respondent No.2 rejecting the appeal filed by the petitioner against the order dated 24.12.2019 rejecting the renewal application filed by the petitioner (Annexure E to the writ petition).

7. It appears from the order dated 24.12.2019 (Annexure B-2 to the writ petition) that the Respondent No.3 has rejected the renewal application of the petitioner without referring any authority or without mentioning any provision of law. In this context we can examine section 8 of বাংলাদেশ ট্রাভেল এজেন্সি (নিবন্ধন ও নিয়ন্ত্রণ) আইন, ২০১৩ (Amended 2021) which are as follows,

৮। (১) নিবন্ধন কর্তৃপক্ষের পূর্বানুমোদনক্রমে, নিম্নবর্ণিত ক্ষেত্রে নিবন্ধন সনদ হস্তান্তর করা হইবে, ঐথা :-

(ক) ঐ ক্ষেত্রে নিবন্ধন সনদধারী ব্যক্তি মৃত্যুবরণ করিয়াছেন; বা

(খ) ঐ ক্ষেত্রে নিবন্ধন সনদধারী ব্যক্তি শারীরিক কারণে ট্রাভেল এজেন্সির কার্যক্রম পরিচালনা করিতে অক্ষম; বা

(গ) নিবন্ধন কর্তৃপক্ষের নিকট প্রুক্তিপুস্তক বলিয়া বিবেচিত অন্য ঐ কোনো ক্ষেত্রে।

(২) নিবন্ধন কর্তৃপক্ষের পূর্বানুমোদন ব্যতীত কোনো ট্রাভেল এজেন্সি তাহার ব্যবসায়িক ঠিকানা পরিবর্তন করিতে পারিবে না।

(৩) কোনো ট্রাভেল এজেন্সি দেশে বা বিদেশে শাখা কার্যালয় স্থাপন করিতে চাহিলে তাহাকে নির্ধারিত ফরম ও পদ্ধতিতে নিবন্ধন কর্তৃপক্ষের নিকট হইতে অনুমতি গ্রহণ করিতে হইবে।]

So as per the provision of section 8(2) of the Act of 2013 no travel agency is allowed to change his business address without the prior approval of the registration authority. But in the present case the petitioner has categorically stated that they did not change the address of their office at all. Due to repairing work of the office of the petitioner the signboard was not oscillated on the wall and for this reason the Investigation Officer could not find the office. But without issuing any notice upon the petitioner asking for their reply or explanation about the non-existence of the office in the given address, the respondent No.3has arbitrarily cancelled the renewal application filed by the petitioner. The provision of law in this regard is very clear. Section 9 of the বাংলাদেশ ট্রাভেল এজেন্সি (নিবন্ধন ও নিয়ন্ত্রণ) আইন, 2013 (Amended 2021) is the relevant section which reads as follows,

৯। (১) নিবন্ধন কর্তৃপক্ষ নিম্নবর্ণিত কোন কারণে উপরুক্ত তদন্ত ও শুনানির সুযোগ প্রদান করিয়া কোন ট্রাভেল এজেন্সির নিবন্ধন স্থগিত বা বাতিল করিতে পারিবে, ঃ—

- (ক) মিথ্যা তথ্য বা প্রতারণার মাধ্যমে নিবন্ধন সনদ গ্রহণ করিলে;
- (খ) এই আইন, বিধি বা নিবন্ধন সনদের কোন শর্ত ভঙ্গ করিলে;
- (গ) ট্রাভেল এজেন্সি সমূহের জন্য নির্ধারিত আচরণ বিধির কোন বিধান লংঘন করিলে;
- (ঘ) নির্ধারিত সময়ের মধ্যে নিবন্ধন নবায়ন না করিলে;
- (ঙ) নিবন্ধন সনদ প্রাপ্তির পর সংশ্লিষ্ট ব্যক্তি কোন ফৌজদারি অপরাধে দণ্ডিত হইলে; অথবা
- (চ) কোম্পানি, সংস্থা, অংশীদারি কারবার বা আইনগত সত্ত্বার ক্ষেত্রে উহার অবসায়ন হইলে।

(২) উপ-ধারা (১) এর অধীন কোন ট্রাভেল এজেন্সির নিবন্ধন সনদ স্থগিত করা হইলে উক্ত ট্রাভেল এজেন্সি অন্য কোন ব্যক্তির ভ্রমণের সহিত সংশ্লিষ্ট পরিবহন, আবাসন ও অনুরূপ অন্যান্য সুবিধা প্রদানের উদ্দেশ্যে কোন কার্যক্রম করিতে পারিবে না।

So before taking any decision under section 9 of the Act, 2013 it is incumbent upon the authority to conduct proper inquiry and give reasonable opportunity of hearing, both of which is absent in the present case. So we are of the view that the order dated 24.12.2019 passed by the respondent No.3 is not proper and correct hence liable to be declared as illegal and without any lawful authority.

9. Let us now consider the 2nd impugned order of the present writ petition. It appears from the order dated 24.12.2020 (Annexure E to the writ petition) that the respondent No.2 rejected the appeal filed by the petitioner against the order dated 24.12.2019 on the ground of delay. In this regard the Respondent No.2 referred the provision of section 10 of the বাংলাদেশ ট্রাভেল এজেন্সি (নিবন্ধন ও নিয়ন্ত্রণ) আইন, ২০১৩ (Amended 2021) and Rule 11 of the বাংলাদেশ ট্রাভেল এজেন্সি (নিবন্ধন ও নিয়ন্ত্রণ) Bidhimala, ২০১৪ (Amended 2022). Section 10 of the Act, 2013 reads as follows,

১০। ধারা ৫ এর উপ-ধারা (২) এরদফা (খ) এর অধীন কোন নিবন্ধনের আবেদন অথবা ধারা ৭ এর উপ-ধারা (৩) এরদফা (খ) এর অধীন কোন নিবন্ধন নবায়নের আবেদন না মঞ্জুর করা হইলে অথবা ধারা ৯ এর অধীন নিবন্ধন সনদ স্থগিত বা বাতিল করা হইলে, উক্ত রূপ না মঞ্জুর, স্থগিত বা বাতিল আদেশের তারিখ হইতে ৬০ (ষাট) দিনের মধ্যে উক্ত আদেশের বিরুদ্ধে সরকারের নিকট আপিল করা াইবে এবং এই ক্ষেত্রে সরকারের সিদ্ধান্ত চূড়ান্ত হইবে।

So as per the aforesaid provision of section 10 the petitioner is required to file the appeal within 60 days from the date of rejection of the application for renewal. The application was rejected on 24.12.2019 but the petitioner filed the appeal on 13.12.2020 beyond the period of limitation. The petitioner categorically stated in the writ petition that the petitioner could not file the appeal in time because of the lockdown situation due to COVID-19 pandemic. The petitioner further stated that due to COVID-19 pandemic Bangladesh Government issued many official circulars condoning the delay for filing/making applications, payment of certain fees and Supreme Court of Bangladesh has also issued practice directions condoning/extending time for filing cases/suits/appeals etc. In that juncture, the respondent No.2 should have consider the delay in a compassionate manner and should have admit the appeal and after hearing allowed the application of the petitioner filed for renewal of the travel agency registration certificate for ends of justice.

9. In view of the above facts and circumstances we find merit in the Rule and accordingly the Rule is made absolute.

10. The impugned order dated 24.12.2019 passed by the respondent No. 3 rejecting the application for renewal of Travel Agency License filed by the petitioner (Annexure-B2) and order dated 24.12.2020 passed by the respondent No. 2 rejecting the appeal filed by the petitioner against the order dated

24.12.2019 passed by the respondent No. 3 (Annexure-E) is hereby declared to be passed without lawful authority and is of no legal effect.

11. The authority is hereby directed to renew the travel agency registration certificate of the petitioner's travel agency namely "Walton International Limited" within 7 days from the date of receipt of a copy of this judgment in accordance with law subject to payment of requisite fees and penalty (if any) and after producing all the required documents to the authority which are necessary for the renewal of the certificate as per law.

Let a copy of the judgment be transmitted to the respondents at once.

Sikder Mahmudur Razi, J:

I agree.