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

+ **W.P.(C) 7217/2023 & CM APPL. 28122/2023**

KKALPANA INDUSTRIES INDIA LIMITED Petitioner

Through: Ms. Sonia Mathur, Sr. Advocate with
Mr. Raj Kumar Nahataa, Ms. Nidhi
Singh, Mr. Nikhil Chandra Jaiswal,
Mr. Himanshu Bathija, Ms. Shubhi
Bhardwaj, Ms. Ronika, Ms. Rupakshi
Soni and Mr. Abhishek Samal,
Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through: Ms. Nidhi Raman, CGSC with Mr.
Akash Mishra, Advocate and Ms.
Archana Kumari, GP.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **21.05.2024**

1. The Petitioner has approached this Court challenging a decision taken by the Board of Approval for Special Economic Zones (SEZs) on 14.02.2023 under a policy titled "Policy for used/worn clothing and plastic recycling units in SEZs/EOUs" dated 27.05.2021.
2. On 24.05.2023, when the writ petition first came up for hearing, an objection regarding territorial jurisdiction was raised by the learned CGSC for the Respondents.
3. The principal argument of the learned CGSC for Union of India is that the Petitioner had approached the Development Commissioner for grant of



letter of approval which has been rejected in Kolkata and thereafter, the Petitioner had approached the Board of Approval at New Delhi. She states that since only the Appellate Authority is in Delhi, this Court should not entertain the writ petition on the ground of territorial jurisdiction and should direct the Petitioner to approach the jurisdictional High Court which is the High Court of Calcutta.

4. Learned Senior Counsel appearing for the Petitioner draws attention of his Court towards proviso to Rule 18(4)(a) of the Special Economic Zone Rules, 2006 which states that the jurisdiction to grant or deny a letter of renewal lies only with the Board and since the Board is the first authority, this Court will have the jurisdiction to entertain the present writ petition.

5. Issue notice on the question of maintainability of the writ petition on the ground of territorial jurisdiction.

6. Learned CGSC appearing for the Respondents accepts notice and prays for some time to examine the aforesaid aspect. She states that she will a reply on this aspect which was not covered in the earlier reply.

7. List on 10.07.2024.

SUBRAMONIUM PRASAD, J

MAY 21, 2024

S. Zakir