



\$~5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010390722026
+ **W.P.(C) 12177/2026&CM APPL. 56389/2026**

KOMMIT TECHNO LEGAL LLP

.....Petitioner

Through: Mr. Kapil Midha, Mr. Krishnagopal
Abhay and Mr. Bhavya Sharma,
Advs.alongwith Mr. Karmanya Singh
Sareen and Mr. Sahib Singh Dhillon,
ARs of the petitioner.

versus

**DEPARTMENT FOR PROMOTION OF INDUSTRY AND
INTERNAL TRADE & ANR.**

.....Respondents

Through: Mr. Rajesh Kumar, SPC with Mr.
Alam Ansari, Deputy Director for
R-1/DPIIT.
Mr. Indruj Singh Rai, SSC with Mr.
Sanjeev Menon, JSC, Mr. Rahul
Singh, JSC and Ms. Priya Sarkar, JSC
with Mr. Gaurav Kumar and Mr.
Prateek Bhati, Advs. for Revenue.

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

% **01.09.2026**

1. By way of the present writ petition the petitioner has challenged communication/order dated 20.07.2026 issued by Department for Promotion of Industry and Internal Trade (*hereinafter referred to as 'the Department'*), whereby the application of the petitioner seeking Tax Exemption under Section 80-IAC of the Income Tax Act, 1961 (*hereinafter referred to as 'the*



act of 1961 ') has been rejected by respondent no. 1.

2. Learned counsel for the petitioner submitted that the communication/order under consideration is non-speaking – it does not contain any reason for which the petitioner's application has been turned down.

3. Mr. Rajesh Kumar, learned SPC for respondent no. 1, on the other hand submitted that if the communication dated 20.07.2026 is taken into account, the same, as a matter of fact, is not a rejection of the application, but the Department has simply intimated the petitioner to apply afresh, after three months, after showing some improvement.

4. Heard learned counsel for the parties. The impugned communication dated 20.07.2026 reads as under:

Dear KOMMIT TECHNO-LEGAL LLP,

Thank you for applying for Tax Exemption under Section 80-IAC of the Income Tax Act under the Startup India Initiative.

Your application was carefully reviewed by the Inter-Ministerial Board (IMB). After thorough deliberation, the Board has decided not to approve the application at this stage. The feedback provided is as follows:

- As per the decision of the 89th IMB Meeting, your application has not been approved at this stage. You are warmly encouraged to reapply after a period of three months. We believe in the potential of your startup and encourage you to use this time to further strengthen your application, especially around the core parameters of innovation, wealth generation, and employment creation. Applications will be reviewed in the order of resubmission. For guidance on the revised criteria and required documentation, please refer to the updated framework here: <https://www.startupindia.gov.in/content/dam/invest-india/Templates/public/80iacform-document-guidelines.pdf> We look forward to seeing your improved application soon.

Please note that based on the observations shared, you are welcome to reapply after a period of three months from the date of this communication.

We appreciate the effort and vision behind your venture, and we look forward to supporting your startup journey through future engagements.

For any assistance, you may reach out to us through our Contact Us page or call our tollfree number 1800-115-565. Wishing you continued growth and success!

Warm Regards,
Startup India Team.

5. On perusal of the above communication, though we find that no reason has been assigned and as contended by Mr. Rajesh Kumar, the same may not be construed to be an order of rejection. We, however, feel that even while



deferring the decision or requiring a unit to come after three months, respondent no. 1 should have indicated some reason or specified the area in which he wanted the applicant to improve.

6. Pursuant to Court's askance, Mr. Rajesh Kumar, learned SPC for respondent no. 1 requested the Deputy Director of the Department to remain present in the Court, who has appeared and apprised the Court that the following three criteria are necessary for grant of certificate under Section 80-IAC of the Act of 1961:

- (i) Innovation,
- (ii) Development or improvement of products/ processes/ services,
- (iii) Employment generation or wealth creation.

7. He further submitted that so far as wealth creation and employment generation is concerned, the petitioner fulfils the requisite criteria, but it has to show some improvement in the field of innovation. Be that as it may, whether the petitioner fulfills the criteria or not, has to be adjudged by the Department and in the absence of requisite material, we do not propose to enter into such arena, at this juncture.

8. Having regard to facts and circumstances of the case and concerning the proactive and business friendly approach exhibited by Mr. Alam Ansari and with a view to ensure that provision of Section 80-IAC achieves its objective, we request the Deputy Director to have an interaction with the petitioner within a period of two weeks, so that the petitioner can know the area in which it needs to improve.

9. It shall be required of Mr. Alam Ansari, Deputy Director of the Department, to send an email to the petitioner at krishnagopal@singhandsingh.com, intimating the suitable time and date for



interaction so that the petitioner can visit his office. The petitioner shall be free to file a representation before the Department, in order to show that it fulfils the requisite criteria.

10. The petitioner, if advised, may file a fresh application as well.

11. With the above observations and directions, the petition stands disposed of alongwith the pending application.

DINESH MEHTA, J.

VIMAL KUMAR YADAV, J.

SEPTEMBER01, 2026/sds