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

+ W.P.(C) 6644/2017 and CM No. 27644/2017

M/S PRESTIGE POLYMERS PVT LTD

..... Petitioner

Through: Mr Priyadarshi Manish and Mrs
Anjali Jha Manish, Mr Sagar Rohatgi
and Mr Ashutosh Mishra, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr Waize Ali Noor, Advocate for Mr
Kirtiman Singh, CGSC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.08.2017

1. The petitioner has filed the present petition impugning an order dated 12.07.2017 passed by the Development Commissioner, Indore Special Economic Zone whereby the petitioner's LOA has been cancelled in terms of Section 16(1) of the Special Economic Zones Act, 2005.

2. The learned counsel for the respondents, who appears on advance notice points out that the order dated 12.07.2017 is an appealable order and since the said order has been passed in Indore, this Court would not have the territorial jurisdiction to entertain the present petition. The learned counsel appearing for the petitioner counters the aforesaid submission and contends that this Court would have the jurisdiction because (i) the registered office of the petitioner is in Delhi; (ii) the LOA which has been cancelled was also issued in Delhi; and (iii) the appellate authority is also located in Delhi. He also referred to the decision of the Full Bench of this Court in ***Sterling Agro***

Industries Ltd. v. Union of India & Ors.: AIR 2011 Delhi 174.

3. None of the aforesaid contentions are merited.
4. The petitioner's cause of action is not the issuance of LOA but its cancellation, which has been done by the competent authority in Indore. Secondly, the location of the petitioner's registered office would not be determinative of the jurisdiction of this Court to entertain the present petition. Lastly, the seat of the appellate authority being located in Delhi is also of no assistance to the petitioner since the petitioner has, admittedly, not preferred an appeal against the impugned order as yet.
5. The reliance placed by the learned counsel for the petitioner on the decision given in ***Sterling Agro Industries Ltd. (supra)*** is also misplaced. The said decision is not an authority for the proposition that this Court would have jurisdiction in respect of orders passed by any of the authorities in the country.
6. In addition to the above, this Court is not persuaded to entertain the matter as the petitioner would have an equally efficacious remedy by way of an appeal.
7. The petition and the pending application are, accordingly, dismissed.

VIBHU BAKHRU, J

**AUGUST 04, 2017
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