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

\+ W.P.(C) 5336/2018

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY ..... Petitioner

Through Mr. Jasmeet Singh, Mr. Naman Joshi & Mr. Hemant Jain, Advocates.

versus

UNION OF INDIA & ORS. ..... Respondents

Through Mr. Gaurang Kanth, CGSC for respondent No. 1-UOI.
Mr. Ruchir Bhatia, Sr. Standing Counsel for respondent Nos. 2 and 3.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE CHANDER SHEKHAR

O R D E R

% **18.05.2018**

CM No. 20684/2018

Exemption application is allowed, subject to all just exceptions.

W.P.(C) No. 5336/2018

Counsel for the writ petitioner-New Okhla Industrial Development Authority relies upon a decision of this Court dated 26th February, 2018 in Writ Petition (Civil) No. 732/2017, ***Greater Noida Industrial Development Authority versus Union of India and Others***.

2. Counsel for the respondent Nos. 2 and 3 states that the aforesaid decision was pronounced on 26th February, 2018 and even time period for

filing of Special Leave to Appeal has not expired. He submits that the petitioner has rushed to this Court without writing any letter/communication to the respondents seeking disposal of their application.

3. *Ex facie*, we find merit in the contention of the respondent Nos. 2 and 3 for it is for the petitioner to approach the authorities relying upon the said decision. Thereafter, it is for the respondent authorities to form their view and take a decision. Right to file Special Leave to Appeal is a constitutional right.

4. At this stage, learned counsel for the petitioner submits that the present writ petition may be treated as a representation to the respondents.

5. We take the statement on record and dispose of the present writ petition, without making any comment on merits. Counsel for the petitioner states that the applicant had filed the application seeking exemption under Section 10(46) of the Income Tax Act, 1961 on 15th November, 2011. He submits that the application should be disposed of expeditiously. The said prayer would be considered by the respondents.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

MAY 18, 2018
VKR