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

+ **W.P.(C) 16317/2023 & CM APPL. 65712/2023**

JAMIA HAMDARD

..... Petitioner

Through: Dr. Amit George, Dr. Swaroop George, Mr. Mobashshir Sarwar, Ms. Piyo Harold and Mr. Bharat Rayadurgam, Advocates.

versus

HAMDARD INSTITUTE OF MEDICAL SCIENCES AND RESEARCH & ORS.

..... Respondents

Through: Mr. Saket Sikri, Mr. Vikalp Mudgal, Mr. Ajay Pal Singh Kullar, Mr. K.V. Sriwas Narayanan and Mr. Vignesh Raj, Advocates for R-1 and 3.
Mr. Parmanand Gaur, Ms. Megha Gaur and Mr. Vibhav Mishra, Advocates for UGC.
Mr. Sarfaraz Khan, Advocate for R-6/UCO Bank.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

06.02.2024

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1. The Petitioner has approached this Court with the following prayers;

“A. Issue a writ of declaration that HIMSR is not entitled to file Income Tax Returns or accounts on its own because it is part and parcel of the Petitioner and has no separate legal entity as per the UGC Deemed to be Universities Regulations; and

B. Issue an appropriate writ, order or direction in the nature of mandamus and/or prohibition directing and



commanding the Respondent Nos. 1 and 3 not to file Income Tax Returns of HIMSR/Respondent No.1 (which is illegal per se) using any other PAN other than the PAN of the Petitioner; and

C. Issue an appropriate writ, order or direction in the nature of mandamus and/or prohibition directing and commanding the Respondent No.2 to not accept Income Tax Returns filed by HIMSR (which is illegal per se) without using the PAN of the Petitioner; and

D. Issue an appropriate writ, order or direction in the nature of mandamus and/or prohibition directing and commanding the Respondent No.2 to look into the complaints filed by the Petitioner; and

E. Ex parte stay the Respondent No.2 from accepting Income Tax Returns filed by HIMSR without using the PAN of Jamia Hamdard; till the adjudication of the present writ; and F. Ex parte stay the Respondent Nos. 1 and 3 from filing Income Tax Returns of HIMSR/Respondent No.1 (which is illegal per se) using any other PAN other than the PAN of Jamia Hamdard; and

G. Pass such other or further order(s) and/or directions as this Hon'ble Court may deem fit and proper in the equitable facts and circumstances of the case.”

2. Learned Counsel appearing for the Petitioner seeks permission to withdraw the present writ petition with liberty to approach the authorities by way of giving an appropriate representation. The authorities are directed to consider the representation of the Petitioner in accordance with law.
3. Permission and liberty, as sought for, are granted.
4. The writ petition is disposed of as withdrawn, along with pending



application(s), if any. It is made clear that this Court has not made any observations on the merits of the case.

SUBRAMONIUM PRASAD, J

FEBRUARY 6, 2024

S. Zakir