



THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 09.04.2010

+ **ITA 444/2010**

C.I.T

... Appellant

- versus -

DELHI TOURISM & TRANSPORTATION DEV CORPN LTD

... Respondent

Advocates who appeared in this case:-

For the Appellant : Mr.N. P. Sahni,

For the Respondent : Mr. Rajiv Tyagi

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in Digest?

BADAR DURREZ AHMED, J (ORAL)

1. The present appeal concerns a dispute between the Central government, through the Department of Revenue, and a State Government Public Sector Undertaking.

2. We may note that the issue with regard to disputes and differences between Central government and State government entities is also required to be referred to a committee for approval before litigation comes to court.

This has been made clear by the Supreme Court in the case of **ONGC Ltd.**

Vs City Industrial Development Corporation Maharashtra and Anr:

2007(7) SCC 39. The Supreme Court has specifically directed as under:-



“Considering the nature of the controversy which is a recurring feature we direct that a committee be formed to sort out the differences between the Central government and the State government entities. The composition of such committee shall be as follows:-

- (1)The Cabinet Secretary of the Union;
- (2)Chief Secretary of the State;
- (3)Secretaries of the concerned departments of Union and the State;
- (4)Chief Executive Officers of the concerned undertakings”.

3. From the above it is clear that the matters concerning disputes between Central Government and State government entities are also to be cleared by the committee as directed to be constituted by the Supreme Court. We accordingly direct the appellant to approach the Cabinet Secretary who is the head of the said committee for a clearance before approaching this Court. In case the clearance is granted by the committee, the appellant/revenue would be at liberty to file a fresh appeal within 15 days of receiving the clearance.

The appeal stands disposed of accordingly.


BADAR DURREZ AHMED, J


V.K. JAIN, J

APRIL 09, 2010

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