



2025:DHC:3167-DB



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

***Date of decision: 28.04.2025***

**(100)+LPA 271/2025**

**POOJA ANAND**

.....Appellant

Through: Mr.Vivek Kumar Tandon,  
Ms.Perna Tandon &  
Mr.Harshit S Gahlot, Advs

versus

**BASIC CHEMICALS COSMETICS AND DYES EXPORT  
PROMOTION COUNCIL (CHEMEXCIL) & ANR.**

.....Respondents

Through: Mr.Sanjoy Ghose, Sr. Adv.  
with Mr.Amandeep Singh,  
Mr.Pradeep Desodya, Mr.Vinay  
Ranjan, Mr.Mohit Garg &  
Mr.Rohan, Advs  
Ms.Saumya Tandon,  
CGSC/IOI with Mr.Amit  
Acharya, GP

**(114)+LPA 272/2025**

**POOJA ANAND**

.....Appellant

Through: Mr.Vivek Kumar Tandon,  
Ms.Perna Tandon &  
Mr.Harshit S Gahlot, Advs

versus

**BASIC CHEMICALS COSMETICS AND DYES EXPORT  
PROMOTION COUNCIL (CHEMEXCIL) & ANR.**

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Through: Mr.Sanjoy Ghose, Sr. Adv.  
with Mr.Amandeep Singh,  
Mr.Pradeep Desodya, Mr.Vinay  
Ranjan, Mr.Mohit Garg &  
Mr.Rohan, Advs  
Mr.Arjun Mahajan, SPC for  
IOI with Mr.Apoorv Upmanyu



& Mr.Harsh Vashisht, Advs

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**NAVIN CHAWLA, J. (ORAL)**

**CAV 153/2025 in LPA 272/2025**

1. As the learned counsel for the respondents enters appearance, the caveat stands discharged.

**CM APPL. 24837/2025 (Exemption) in LPA 271/2025**

**CM APPL. 24964/2025 (Exemption) in LPA 272/2025**

2. Allowed, subject to all just exceptions.

**CM APPL. 24838/2025 in LPA 271/2025**

**CM APPL. 24965/2025 in LPA 272/2025**

3. These applications have been filed seeking condonation of 31 days' delay in re-filing of the appeals.

4. For the reasons stated in the applications, the same are allowed and the delay is condoned.

5. The applications are disposed of.

**LPA 271/2025**

**LPA 272/2025**

6. These appeals have been filed under Section 10 of the Delhi High Court Act, 1966, challenging the Judgment dated 23.01.2025, passed by the learned Single Judge of this Court in W.P. (C) 355/2025 and W.P.(C). 16740/2023, both titled *Ms Pooja Anand v. Basic Chemicals Cosmetic and Dyes Export Promotion Council (Chemexcil) & Anr*, dismissing the said Writ Petitions by holding that the respondent, that is, Basic Chemicals Cosmetics & Dyes Export



Promotion Council (Chemexcil), is not a 'State' or local or other authority within the meaning of Article 12 of the Constitution of India and, therefore, a petition under Article 226 of the Constitution of India is not maintainable.

7. Before the learned Single Judge, and also before us, the learned counsel for the appellant fairly admits that the issue of maintainability of a Writ Petition against a similarly situated organisation, namely, the Gem and Jewellery Export Promotion Council ('GJEPC'), was considered by a Division Bench of this Court in *Dr Jitarani Udgata v. Union of India & Another*, 2022 SCC OnLine Del 3449. The Division Bench of this Court held that the said organisation is not a State or other authority within the meaning in the said terms under Article 12 of the Constitution of India. A Special Leave Petition against the said judgment, being Civil Appeal No 6574/2024, has been filed, and notice on the same has been issued by the Supreme Court *vide* Order dated 20.03.2023. The same is pending before the Supreme Court.

8. He further places reliance on the Judgment of the Division Bench of the Calcutta High Court in *Sunirmal Kumar Roy v. Union of India and Others*, 2007 SCC OnLine Cal 272, to submit that in the said Judgment, the respondent has been held to be falling within the definition of the word State, as defined under Article 12 of the Constitution of India.

9. On the other hand, Mr.Sanjoy Ghose, the learned senior counsel appearing for the respondent submits that the Judgment in *Sunirmal*



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***Kumar Roy*** (supra) was specifically considered by the learned Single Judge in ***Jitarani Udgata v. Union of India and Another***, 2021 SCC OnLine Del 3657, and was expressly disagreed with. The said judgment was affirmed by the Division Bench in the judgment referred above. He submits that merely because an appeal against the Judgment of the Division Bench is pending consideration before the Supreme Court, this Court, being a Coordinate Bench of the Court which has already rejected a similar plea as the one raised by the appellant herein, cannot take a different view.

10. We have considered the submissions made by the learned counsels for the parties.

11. As rightly contended, we are presently bound by the Judgment of the Coordinate Bench in ***Dr Jitarani Udgata*** (supra) and see no reason to take a different view therefrom.

12. Accordingly, we find no infirmity in the order passed by the learned Single Judge of this Court.

13. The appeals are, accordingly, dismissed.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**APRIL 28, 2025/rv/DG**

*Click here to check corrigendum, if any*