

No..D 12/10/2011-SEZ  
Government of India  
Ministry of Commerce & Industry  
Department of Commerce  
SEZ Division,  
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Udyog Bhawan, New Delhi 110107

December 12, 2011

To

All Development Commissioners'  
Special Economic Zone

Sub: Handling of court cases and other litigation matters relating to  
SEZs – instruction regarding

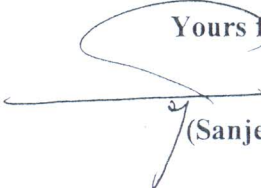
Sir,

I am directed to say that the DCs of SEZs are expected to represent the cases pertaining to their jurisdiction before the High Courts/Supreme Court etc., after consultation with Government Counsels. However, it has been noticed that in many instances the SEZs are sending the matters back to this Department for vetting of the counter affidavit to be filed by the SEZs. Most of the issues pertain to the SEZ itself and the DC is best placed to furnish the facts and seek advice of the Government Counsel in the matter.

2. In the light of the above, the following guidelines may be followed by all DCs of SEZs for handling of court cases relating to their SEZs:-

- (a) Primary examination and dealing with court cases and other litigation matters pertaining to specific SEZs should be carried out by respective DC, SEZs.
- (b) In the cases where Department of Commerce (DoC) (Secretary, Additional Secretary, Joint Secretary, Director etc.) is a party and an issue of policy is being brought before the Court, then the draft reply on the specific issue may be vetted by DoC.
- (c) In other matters, if the DC, SEZ is of the opinion that directions of DoC are necessary on a particular issue(s) taken up in Court cases, the same may be sent to this Department for clarification/direction, clearly stating the issue on which directions/clarifications is being sought.
- (d) In all other matters, the concerned DC, SEZ should take all necessary steps, including consultation with Government Counsel and represent the matter before the relevant Court on behalf of UoI also.

Yours faithfully,



(Sanjeet Singh)  
Director