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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 891/2013

SH VIRENDER SINGH DABAS

..... Petitioner

Through: Mr. Anshu Mahajan, Advocate with
Mr. Ranjan Kr. Rai, Advocate.

versus

MS SARIT SHARMA AND ANR

..... Respondents

Through: Mr. Ravi Gupta, Senior Advocate with
Mr. Mukesh Kumar, Ms. Meenakshi
Sood and Mr. Sachin Jain, Advocates
with Mr. Naresh, Accounts Officer, Air
India.

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Date of Decision : 5th August, 2015

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Petitioner alleges wilful disobedience of the order dated 16th July, 2012 passed in LPA 205/2012 whereby the respondents were directed to provide information qua 706 persons to whom complimentary tickets in the year 2006 were given by Air India.
2. The operative portion of the order dated 28th November, 2011 passed by learned Single Judge is reproduced hereinbelow:-

“ For the aforesaid reasons, the impugned order cannot be sustained and is quashed. The respondent no.2 is directed to disclose the names of the persons to whom complimentary tickets were issued in the year 2006 by respondent no.2. The said disclosure be made within four weeks.”

3. The operative portion of the Division Bench's order in LPA No.205/2012 dated 16th July, 2012 is reproduced hereinebelow:-

“15. In the circumstances, while dismissing this appeal, we direct the subject to the appellant within one week filing an affidavit in this Court with advance copy to the respondent that the information qua the remaining complementary tickets issued in the year 2006 has been destroyed and is not available, the direction for supply of information of the said year shall be confined to 706 complementary tickets only. We refrain ourselves from imposing any cost on the appellant.”

4. Mr. Anshu Mahajan, learned counsel for petitioner states that respondents have supplied information only with regard to 706 complimentary tickets out of 1200 and that too in an incomplete manner inasmuch as neither the address of the passenger nor the sector for which the ticket had been issued has been mentioned.

5. Mr. Ravi Gupta, learned senior counsel for respondents states that the record as available with the respondents-Airline has been supplied to the petitioner. He points out that the information now supplied to the petitioner had in fact been supplied to the Division Bench in a sealed cover during the pendency of LPA No.205/2012 and the Division Bench in its judgment and order dated 16th July, 2012 had noted that the list contains only names of 706 passengers and the station from which it had been issued. The Division Bench noted that the address and other particulars of the beneficiaries of said complimentary tickets or their date had not been mentioned.

6. Mr. Ravi Gupta also points out that in the LPA proceedings the respondents herein had filed a detailed additional affidavit in which it had been pointed out that the details pertaining to the complimentary tickets issued in the year 2006 was incomplete for various reasons like destruction of records and closure of various offices. The relevant portion of the additional affidavit filed before the Division Bench in LPA 205/2012 is reproduced hereinbelow:-

“3. That in compliance with the aforesaid directions of this Hon’ble Court, the deponent herein collected the said details from the records available. However, the details of 706 persons out of 1200 persons to whom the supplementary tickets were provided could be taken out, which is being submitted before this Hon’ble Court in a sealed cover as directed. It is respectfully submitted that the said details being pertains to the year 2006 is not completely available.

The reasons for the same are as follows:-

Most stations usually maintain records for 3 years. As the information sought is beyond this 3 year period the requisite records are no longer available with us. We called upon all our stations to reconstruct their records, urgently, by going through all available physical and electronic data that had not been destroyed. The records maintained by Kale Consultancies, our tracking agency, have also been purged.

All stations and Kale Consultancies have therefore worked on this to reconstruct records as accurately as possible. However the full complement of 1200 names could not be reconstructed due to unavailability of complete data for the following reasons.

- Certain stations in the network like Nairobi, Beirut, Birmingham, Brussels, San Francisco, Copenhagen, Vancouver have closed down, therefore old ticketing data pertaining to them was not available.*
- Some stations like Amsterdam had shifted office locations destroying the old data, files, scrapping old computers etc as the new location is smaller and space restricted.*
- Kale consultancies had purged their records. An exercise was carried out to retrieve purged records and reconstruct names, but only a limited amount of data could be retrieved.*

The records that they managed to trace were used to construct the maximum possible data. Therefore as all records could not be completely reconstructed we were able to obtain only 706 names for the approximate 1200 tickets that had been previously advised as issued.”

7. Having heard the learned counsel for parties and on a perusal of the paper book, this Court finds that the respondents have supplied the entire information as available with them. The reasons given by the respondents for non-availability of entire information in its additional affidavit dated 17th July, 2012 filed in LPA 205/2012 is entirely plausible.

8. The stand taken by the respondents in the present proceedings is also in conformity with the stand taken contemporaneously before the Division Bench that the address and other particulars of the beneficiaries of the complimentary tickets as well as the date of the tickets are not available with the respondents.

9. In fact, the Division Bench after making note of the incomplete information had not directed the respondents to either search for additional information or to supply additional information.

10. Consequently, this Court is of the view that no wilful disobedience of orders dated 28th November, 2011 and 16th July, 2012 is made out.

Accordingly, present contempt petition is dismissed and the notices issued are discharged.

MANMOHAN, J

AUGUST 05, 2015

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