

\$~38

\*

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

+

W.P.(C) 7288/2016 & C.M. No.29979/2016

THE PRINCIPAL COMMISSIONER OF C. EX. DELHI.

..... Petitioner

Through Mr. Harpreet Singh, Sr. Standing  
counsel with Mr. Gagan Kumar  
Singhal, Adv.

versus

THE AIRPORT AUTHORITY OF INDIA & ORS.

..... Respondents

Through Mr. Dig Vijay Rai and Mr. Syed  
Hassan Bin Taher, Advs.

**CORAM:**

**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

%

**17.08.2016**

This petition has been filed by the Principal Commissioner of Central Excise, Delhi. Record shows that the officers of the Customs and Central Excise were given occupation near Safdarjung Airport in 1952. On 19.02.2016, a show cause notice had been issued to them proposing eviction of the petitioner and its officers from 9 quarters which were in their possession located at INA colony near Safdarjung Airpor premises. On 30.06.2016, an eviction order was passed against the petitioner. A statutory appeal under Section 28-A of the Airport Authority Act was preferred on 19.07.2016. Contention of the learned counsel for the petitioner is that this appeal is within time. Further submission is that this appeal has not been taken up for hearing as there is no Presiding Chairperson over the Airport

Appellate Tribunal.

On advance notice, learned counsel for the respondent has put in appearance. The fact that there is no Chairperson as on date over the Airport Appellate Tribunal is an admitted fact. As such the necessary corollary is that the statutory appeal under Section 28-A of the Airport Authority Act cannot be taken up for hearing. Learned counsel for the respondent, at this stage, submits that he has filed a caveat before the concerned Tribunal but the copy of the appeal has not been furnished to him in advance which position is disputed by the petitioner.

The limited prayer in this petition is that the petitioner be protected unless his statutory appeal along with stay application is taken up for hearing. This Court notes that in the above factual scenario and the submission of the learned counsel for the petitioner, in this background, it would be expedient that no coercive steps be taken against the petitioner till the appeal under Section 28-A of the said Act is taken up for hearing along with stay application before the Chairperson of the Airport Appellate Tribunal.

Petition disposed of.

Order dasti under signatures of the Court Master.

**INDERMEET KAUR, J**

**AUGUST 17, 2016**

**A**