

41

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 12185/2015 & CM APPLs. 32368/2015, 1626/2016 AND
6101/2016

M/S NEHA AVIATION

MANAGEMENT PVT LTD & ANR

..... Petitioners

Through: Mr. Dayan Krishnan, Senior Advocate
with Mr. Amitabh Chaturvedi,
Ms. Subhadra Chaturvedi and Mr. Sumit
Kumar Shukla, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Sanjeev Narula, Advocate with
Mr. Ajay Kalra and Mr. Abhishek Ghai,
Advocate s for respondents No.1 to 3.
Mr. Kirti Uppal, Senior Advocate with
Ms. Biji Rajesh, Mr. K. Ravi Ranjan,
Mr. Sarthak Guru, Mr Siddharth Chopra
and Mr. Sujoy Chatterjee, Advocates for
respondent No.4/AI SATS.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

31.05.2016

The petitioners have offered to wind up their services and exit the contract dated 15th September, 2014 [otherwise expiring on 31st July, 2017] with respondent No.4 on expiry of the three months period, i.e. by 31st August, 2016 on the condition that they are fully compensated for the services provided by them to respondent No.4 under the said contracts for

the period 01st January, 2016 to 31st August, 2016 on the same terms as were prevailing on 31st December, 2015 and issuance of necessary aerodrome entry permits by the respondents during the period till 31st August, 2016.

Learned Counsel for the Respondent Nos. 1 to 4 state that they are not willing to accept the said offer.

This Court is of the view that the hearing of the present matter is unlikely to conclude for another three months in view of the upcoming vacation. Also three months time gap would ensure smooth transition of services from petitioners to respondent No.4. Moreover, petitioners are entitled to be paid for the work done.

Since, this Court finds that the offer given by the Petitioners is fair and reasonable, it is accepted. In view of the Petitioners' offer, which would put a quietus to this contentious matter, the order dated 30th December, 2015 and 19th February, 2016 is modified to the extent that the petitioners shall be paid for the period 01st January, 2016 to 31st May, 2016 which has become due and shall be paid for the three months period from 01st June, 2016 till 31st August, 2016 as and when it becomes due and the respondents are directed to issue necessary aerodrome entry permits to the petitioner's employees working for respondent No.4 till 31st August, 2016. It is clarified that upon such payment and renewal of aerodrome entry permits of employees of Petitioner company during the above said period, the petitioner company shall not raise any further claims upon the respondent No.4 in respect of the aforesaid contract. It is also clarified that the above said offer has been made by the petitioners and accepted by this Court without prejudice to the rights and contentions of all the parties in respect of the petitioners' other ongoing similar contracts with various other

airlines/ground handling agencies/airport operators and the rights and remedies available to them with respect to such other contracts.

As a matter of abundant caution, it is clarified that the present order shall not be treated as a precedent.

Accordingly, the writ petition and all pending applications are disposed of in the above terms.

Order dasti.

MANMOHAN, J

MAY 31, 2016

js