

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION ST. NO.1276 OF 2017

M/s. Aerospace Technical Services. .. Petitioner
Vs
Airport Authority of India and Others. .. Respondents

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Ms. Purvi Shah along with Shri Ashok Yadav for the Petitioner.
Ms. Kavita Anchan i/b M/s. M.V.Kini & Co for the Respondent Nos.1 to 3.

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CORAM : A.S. OKA &
SMT.ANUJA PRABHUDESSAI, JJ

DATED : 16TH JANUARY 2017

PC.

1. Not on board. Taken on board.
2. Heard learned counsel appearing for the Petitioner and the learned counsel appearing for the Respondent Nos.1 to 3.
3. Against the order of eviction, the Petitioner has preferred an Appeal before the Airports Appellate Tribunal. Admittedly, the post of Chairperson of the said Tribunal is vacant and in the month of October 2016, the process has been commenced by the Government of India for filling up the said post. Our attention is invited to the order dated 5th January 2017 passed by the learned Single Judge in Writ Petition Stamp No.35767 of 2016. It is not in dispute that the Petitioner

has been already dispossessed and the possession of the premises in question is with the first Respondent. By the aforesaid order, the learned Single Judge has directed that till 16th January 2017, the first Respondent should not deal with the premises in question in any manner.

4. As the Airport Appellate Tribunal is not available, the Petitioner will have to be protected for a reasonable time.

5. Accordingly, we dispose of the Petition by passing the following order:

ORDER :

- (a) The order dated 5th January 2017 passed by the learned Single Judge in Writ Petition Stamp No.35767 of 2016 shall continue to operate till the date on which the Chairperson of the Airports Appellate Tribunal assumes charge of his post and for a period of one month thereafter. This direction is passed to enable the Petitioner to move the Airport Appellate Tribunal for seeking appropriate interim relief.

- (b) We make it clear that no adjudication is made on merits and the Airports Appellate Tribunal will decide the prayer for interim relief and/or ad-interim relief without being influenced by the orders passed by this Court in Writ Petition Stamp No.35767 of 2016 as well as in this Petition
- (c) All contentions on merits on the pending Appeal are kept open;
- (d) The Petition is disposed of on above terms;
- (e) All concerned to act upon an authenticated copy of this order.

(SMT.ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)