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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1355 OF 2017

IN

WRIT PETITION NO. 4746 OF 2017

M/s. Acrospace Technical Services

... Applicant

Versus

Union of India and Ors.

... Respondents

Mr. A.G. Damle, Sr. Advocate a/w Mr. Hemant Ghadigaonkar for the applicant.

Mr. Rakesh Singh a/w Ms. Kavita Anchan and Mr. Kunal i/by M/s. M.V. Kini & Co. for R. nos. 2 and 3.

CORAM : SHANTANU KEMKAR &

M.S. SONAK, JJ.

DATED : JULY 05, 2017.

P.C.

Not on board. Taken on production board in view of the urgency.

2. Heard learned counsel for the parties on the Civil Application.

3. We dispose of this Civil Application by directing that in case the petitioner undertakes to deposit the amount of Rs.50 lacs within two weeks from today reserving his right and contentions raised by him in the appeal which is pending before the Air Port Appellate Tribunal at Delhi and also submitting an undertaking to the effect that the petitioner shall not carry out the business activity from the suit premises and will only carry out the audit work which will start

from the date of opening the seal of the premises by the Air Port Authority of India and conclude the same within 23 weeks and he will not raise any objection to reseal the premises after 23 weeks from the date of the opening.

4. The prayer made in the Civil Application to the aforesaid extent of undertaking is allowed. The undertaking had to be filed within one week. We are making this order so as to extend the benefit to Airport Authority of India also as we find that the premises is sealed and nobody is getting any income out of it. By this arrangement at least Rs.50 lacs, the Air Port Authority will get immediately, even though the applicant is not permitted to use the premises for commercial purposes. The possession effectively will remain with the Airport Authority and it will be opened as per requirement for total only 23 weeks for the specific purpose as above and would be described in the undertaking which will be submitted by the petitioner in consonance with the proposed undertaking which has been submitted before us during the course of the hearing.

5. On receipt of the amount, the Air Port Authority of India shall intimate the opening of the premises for the aforesaid purposes to the petitioner. The opening shall be done within one week of receipt of the amount.

6. We have passed this order keeping in view the fact that the appellate authority is not functioning and the applicant is not in a position to get any interim order from the appellate authority.

7. With the aforesaid directions, Civil Application stands disposed of.

(M.S. SONAK, J.)

(SHANTANU KEMKAR, J.)