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

+ W.P.(C) 3214/2017 & CM Nos. 13979/2017, 17152/2017 & 23057/2017

SUPERTECH AVIATION PRIVATE LIMITED Petitioner

Through: Mr Sandeep Sethi, Senior Advocate
with Mr Lalit Bhasin, Ms Ratna
Dwivedi Dhingra, Ms Bhavna Dhami
and Ms Neha, Advocates.

versus

DIRECTOR GENERAL OF CIVIL AVIATION
& ANR

..... Respondents

Through: Mr Rajendra Sahu and Mr Sameer
Sharma, Advocates for R-1.
Mr Sanjay Hegde, Senior Advocate
with Mr Anil Mishra, Mr Mrinal
Bharti, Mr Dinesh Singh, Ms
Madhubani, Ms Pranjal Kishore and
Mr Manish Shekhar, Advocates in
respondent no.2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.07.2017

1. The petitioner has filed the present petition, *inter alia*, challenging the order dated 24.03.2017 (hereafter 'the impugned order') passed by respondent no.1 for cancellation of the registration of Cessna 525A, MSN: 525A-0520, VT-RKA aircraft (hereafter 'the aircraft') which was leased to and operated by the petitioner. It is the respondent no.2's case that the petitioner had defaulted in payment of lease rentals and thus it had

terminated the lease. Prior to the termination of lease, respondent no.2 had invoked the procedure for cancellation of registration, which was accepted by respondent no.1 resulting in the impugned order.

2. During the course of the present proceedings, the petitioner and respondent no.2 have agreed to resolve their disputes whereby the petitioner has agreed to cause the aircraft to be purchased either by Supertech Aviation Private Limited (Delaware) or any of its affiliate(s). Respondent no.2 has also agreed to sell the aircraft for a total sum of USD 4,374,367.03 minus USD 26,700 (USD 43,47,667.03), if the said sum is paid to respondent no.2 on or before 12.08.2017. The petitioner has also undertaken to indemnify respondent no.2 against any claims of income tax (in this country) or withholding tax in relation to the lease rental or any payments contemplated for purchase of the said aircraft.

3. The petitioner has also undertaken to indemnify respondent no.2 against third party claims which are stated to have been incurred for maintenance of the aircraft by the said respondent and are due and payable to third party(ies) till transfer of the aircraft.

4. On receipt of the payment, respondent no.2 shall take steps to execute the necessary documents for transfer of title to the petitioner/Supertech Aviation Private Limited (Delaware) or any other affiliate of the petitioner. Respondent no.2 also undertakes that on receipt of the payments, it shall withdraw all complaints made against the petitioner to any of the authorities.

5. In view of the agreement, the impugned order dated 24.03.2017 for de-registering the aircraft is suspended for a period of two months. If respondent no.2 confirms to respondent no.1 that the payment as indicated herein has been received on or before 12.08.2017, the impugned order

would stand quashed. Respondent no.2 shall also ensure that all necessary steps are taken for de-registration of the aircraft with the Federal Aviation Authority.

6. In the event, the payments as indicated above are not made on or before 12.08.2017, the impugned order shall stand revived and the present petition would be deemed to have been dismissed. In that case, the respondent no.2 will be at liberty to export the aircraft from this country and the petitioner would not either object to the same or obstruct the same in any manner.

7. It is clarified that this order is passed with the consent of both the parties.

8. The petition and the pending applications are disposed of.

9. *Dasti.*

VIBHU BAKHRU, J

JULY 11, 2017
MK