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

% Judgment delivered on: 11.05.2017

+ W.P.(C) 12092/2016 & CM No.47752/2016

M.S AIR CAR AIRLINES PVT. LTD.

..... Petitioner

versus

UNION OF INDIA & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner :

Mr. D. Bhattacharya with Mr. Piyush Sharma, Ms. Sakshi Jain, Ms. Deeti Ojha, Mr. Rajeev and Mr. Shivam Chanana, Advocates

For the Respondent :

Ms. Anjana Gosain, Advocate.
Mr. Kundan Pandey, Asstt. Director with Mr. Yudhvair Singh, Aviation Security Officer.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

11.05.2017

SANJEEV SACHDEVA, J. (ORAL)

1. Rejoinder affidavit stated to have been filed by the petitioner is not on record. Let the counsel check up with the Registry and have the same placed on record.

2. Learned counsel for the respondents submits that the petitioner had also filed an appeal impugning the order dated 08.12.2016. Learned counsel for the respondents submits that the show cause

notice dated 13.12.2016 is a mere sequitur to order of 08.12.2016 and, in case, the order of 08.12.2016 is set aside, the show cause notice dated 13.12.2016 is liable to be withdrawn.

3. Learned counsel for the respondents submits that the appeal filed by the petitioner impugning order dated 08.12.2016 was not taken up by the Appellate Authority in view of the pendency of the present petition.

4. Learned counsel for the petitioner submits that the petitioner is willing to avail of his rights in the appeal provided the interim protection granted to the petitioner is extended during pendency of the appeal.

5. In view of the above, the writ petition is disposed of permitting the Appellate Authority i.e. Secretary, Ministry of Civil Aviation Affairs to proceed with the appeal, filed by the petitioner, impugning order dated 08.12.2016, on merits. The parties would be permitted to rely on and file such further documents as may be necessary for the disposal of the appeal.

6. It is directed that the interim protection to the petitioner by order dated 23.12.2016 shall continue to operate for a period of one week after the disposal of the appeal by the Appellate Authority. The order of the Appellate Authority shall be communicated to the petitioner. The appeal shall be disposed of in accordance with law. The petitioner shall also be afforded an opportunity of personal

hearing in accordance with law.

7. It is further clarified that the Appellate Authority shall dispose of the appeal of the petitioner without being influenced by anything stated in this order or in the order dated 23.12.2016.

8. *Dasti* under the signatures of the Court Master.

MAY 11, 2017
'st'

SANJEEV SACHDEVA, J

