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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION LODGING NO. 29 OF 2018

Harish S/o Gangaram Agrawal

.. Petitioner

Vs.

1. The Director General of Civil Aviation & ors.

.. Respondents

Ms. Savita Nangare a/w Ali Kazmi, Jasmeeth Kaur i/by Atham Legal for petitioner.

Mr. Anil C. Singh, ASG a/w Mr. Advait M. Sethana with Mr. A.R. Singh and Ms. Indrayani Deshmukh i/by Ashwini Singh for respondent Nos.1 and 4 – UOI.

Mr. Rohan Kelkar a/w Rajesh Talekar for respondent No.2.

Mr. Janak Dwarkadas, Senior Advocate with Ms. Shilpi Jain, Mr. Sahil Kanuga & Ms. Kshama Loya i/by Nishith Desai Associates for respondent No.3.

CORAM: NARESH H. PATIL &
G. S. KULKARNI, JJ.

JUNE 12, 2018.

P.C.

1. This Public Interest Litigation was filed in respect of repeated engine failures of the Aircrafts fitted with engine A320 Neo operated by respondent nos.2, 3 and 4. These engines were manufactured by Pratt and Whitney, an American Company. The respondents appear in the PIL and filed their replies. The PIL was heard from time to time. Serious concerns

were expressed by the petitioner as some Aircrafts of the respondent-Airline were grounded as engines developed technical snags. It is reported that as of now three Aircrafts are grounded.

2. The learned counsel appearing for the respondents-Airlines submit that they would take all the necessary precautions regarding airworthiness of their Aircrafts and the engines more particularly A320 Neo with PW 1100. It is submitted that necessary certificates have been obtained for operating these Aircrafts. The respondents-Airlines assures that the safety of the passengers shall not be compromised at any cost.

3. The learned ASG Mr. Anil Singh appearing for Union of India and DGCA, on instructions, submits that as a responsible authority, the DCGA has been monitoring the airworthiness of these Aircrafts. On instructions of the DGCA, some Aircrafts were grounded. The DGCA assures this court that no compromise shall be made on the safety aspects of the passengers.

4. The learned counsel appearing for the petitioner submits that the PIL be disposed of at this stage with liberty to reopen the issues as and

when cause of action for the same arises.

5. We have considered the submissions advanced. We have recorded the assurances given by the respondents-Airlines through the respective counsel.

6. We direct the Union of India and DGCA to take all the necessary precautions for maintaining strict vigil on the Aircrafts operating with these engines or any other engines. The DGCA would independently assess airworthiness of the engines / Aircrafts of the Airlines operating in India looking into the Indian weather conditions. The DGCA shall communicate people at large in case of any such instances taking place so that a situation of confusion and fear is avoided. Confidence building exercise amongst the passengers is necessary.

7. With the aforesaid observations and directions, the PIL stands disposed of with liberty as prayed for.

(G. S. KULKARNI J.)

(NARESH H. PATIL,J.)