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

+ LPA 610/2018 & C.Ms.No.44557 to 44559/2018

M/S SANTOSH ENTERPRISES

..... Appellant

Through: Mr. Pradeep K. Bakshi, Mr.Kushagra
Pandit, Advocates

versus

AIRPORTS AUTHORITY OF INDIA & ANR. Respondents

Through: Mr. K.K. Rai, Sr. Advocate with
Mr.Digvijay Rai, Mr.S.K. Pandey,
Mr.Anshul Rai, Mr.Kaustubh Singh,
Advs. for Respondent No.1

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
26.10.2018

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Seeking exception to an order dated 12.10.2018 passed by the Writ Court in W.P.(C) No.11006/2018, this appeal has been filed under clause 10 of the Letters Patent. The learned Writ Court refused to interfere with the order passed by the Airport Authority of India Limited removing the appellant from the empanelled list on the ground that the bank guarantee submitted by the appellant was not genuine. This finding of the learned Writ Court is based on communication dated 24.08.2018 sent by the bank which confirmed that the bank had not issued or furnished any bank guarantee. Once the material available on record clearly indicated that the

bank guarantee furnished by the appellant was not genuine, in removing the appellant's name from the empanelled list, no error has been committed which warrants reconsideration now only on the ground that no show cause notice was issued to the appellant. The appellant was put to notice and the bank having indicated that they have not issued the bank guarantee, the learned Writ Court has not committed any error in the matter. The Appellant should take up the matter with the bank and ultimately if the bank accepts issuance of the bank guarantee, right available to the Appellant is already protected by the learned Writ Court.

2. The discretion exercised by the Airport Authority of India Ltd., which is based on the communication made by the bank, does not call for any interference now and in our considered view, the learned Writ Court has not committed any error in dismissing the writ petition on such consideration.

3. The appeal is accordingly dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 26, 2018

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