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

+ **W.P.(C) 2887/2019**

**AKBAR TRAVELS OF INDIA PRIVATE LIMITED**

**AKBAR BHAWAN AND ANR.**

..... Petitioners

Through: Mr Sandeep Sethi, Sr. Advocate with  
Mr Prateek Kumar, Ms Anuhka  
Sharma and Ms Raveena Rai,  
Advocates.

versus

**UNION OF INDIA & ORS**

..... Respondents

Through: Ms Anjana Gosain, Ms Rabiya  
Thakur and Shalini Nair, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**20.03.2019**

**CM No.13404/2019**

1. Allowed, subject to all just exceptions.

**W.P.(C) 7634/2018 & CM Nos.13402/2019 & 13403/2019**

2. Issue notice. The learned counsel appearing for the respondents accepts notice.

3. The petitioner has filed the present petition impugning an order dated 01.03.2019 passed by the Bureau of Civil Aviation Security (BCAS), rejecting the petitioner's request for security clearance to operate as a Business establishment/Concessionaire at the airport. Consequent to the aforesaid order, the BCAS has also issued a communication dated 15.03.2019, directing the petitioner to deposit the security passes with the

concerned authority.

4. The petitioner is carrying on the business of a travel agent and other services including currency exchange and car hire/rental. The petitioner operates a counter/office on from the airport premises since 1995.

5. The petitioner requires a security clearance to operate its business in in the airport premises and the same was granted to the petitioner from time to time. The petitioner applied for renewal of the security clearance some time in 20.07.2018. The said request was declined by the impugned order dated 01.03.2019.

6. Rule 11 of the Aircraft (Security) Rules, 2011 is relevant, which reads as under:-

**“11. Business establishment at aerodrome** – No aerodrome operator shall allow the setting up of any business establishment in the security restricted area of aerodrome without obtaining security clearance in this regard from the Commissioner;

Provided that where any business establishment is established in the security restricted area after the approval of the Commissioner, the owner of the business establishment shall make and comply with business establishment security programme in accordance with the national civil aviation security programme.”

7. It is apparent from the above that without security clearance the petitioner would be unable to carry on its business.

8. The impugned order indicates that the security clearance was withdrawn on account of certain adverse reports. However, the said reports are not on record and the petitioner had not been confronted with any of the reports.

9. Aggrieved by the aforesaid order dated 01.03.2017, the petitioner has preferred an appeal to the Central Government under Rule 4 of the Aircraft (Security) Rules, 2011, which is pending.

10. Considering that the petitioner has been carrying on its business from the airport premises since 1995 and considering that the petitioner's appeal is pending before the Central Government, this Court considers it apposite to direct the security clearance granted to the petitioner be not withdrawn till the Central Government finally decides the petitioner's appeal. Accordingly, the petitioner will not be required to surrender its security passes till a final decision is rendered by the Central Government and the same would be subject to that decision.

11. It is clarified that all contentions of the parties are reserved.

12. The petition is disposed of. All the pending applications are also disposed of.

13. Order *dasti* under signatures of the Court Master.

**VIBHU BAKHRU, J**

**MARCH 20, 2019**

**MK**