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

+ **W.P.(C) 3599/2019**

**M/S SOVIKA AVIATION SERVICES PVT. LTD.
AND ANR.**

..... Petitioners

Through: Mr Darpan Wadhwa, Sr. Advocate
with Mr Rishi Agrawala and Ms
Niyati Kohli, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

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

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.04.2019

CM Nos.16521/2019 & 16522/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 3599/2019 & CM No.16520/2019

2. Issue notice. Ms Gosain, learned counsel appearing for the respondents accepts notice.

3. The petitioners have filed the present petition impugning an order dated 04.04.2019 passed by the Assistant Director (Policy) of Bureau of Civil Aviation Security (BCAS), whereby the petitioners security clearance has been withdrawn. It is averred in the petition that petitioner no.1 (the petitioner) operates ground handling services at 21 airports across the country and its business would come to a standstill by virtue of the order

dated 04.04.2019.

4. A plain reading of the impugned order indicates that the said security clearance granted to the petitioner has been withdrawn, as it has come to the notice of BCAS that an FIR (FIR No.313/2014) was registered against the Chairman and some of the Directors of the petitioner and the same was not mentioned at the time for applying security clearance. The petitioners state that they had no knowledge of the aforesaid FIR and, therefore, the question of disclosing the same at the time of application did not arise.

5. Mr Wadhwa, learned senior counsel appearing for the petitioner has also drawn the attention of this Court to the said FIR. It indicates that the allegation made is that the petitioner had not paid a sum of ₹10,52,76,182/- alleged to have been earned from the business pertaining to Haj pilgrims, 2012. According to the complainant, the said amount was required to be made over to the complainant in terms of a Memorandum of Understanding, which the petitioner had failed to do.

6. It is also pointed out that the complainant has also filed a suit no.(Suit No.105/2016 captioned *Bharat Zaveri v. Sohan Mehta and Others* in the Bombay High Court.

7. It is also contended on behalf of the petitioner that it became aware of the said FIR for the first time on finding reference in the aforesaid suit. Mr Wadhwa further states that no further steps have taken place pursuant to the FIR and a charge sheet has not been filed as yet.

8. Ms Gosain, learned counsel appearing for the respondents points out that the petitioners have an equally efficacious remedy of an appeal under Rule 4 of the Aircraft (Security) Rules, 2011. In view of the above, the

present petition is disposed of by granting liberty to the petitioners to avail of the alternative remedy of an appeal under Rule 4 of the Aircraft (Security) Rules, 2011.

9. It is not disputed that the petitioner is providing handling services at 21 airports and is in the business since 2011. This Court is also, *prima facie*, of the view that mere pendency of an FIR would not be a sufficient ground for cancelling a security clearance. In view of the above, the impugned order is stayed till the appeal that may be preferred by the petitioner is finally decided. This is subject to the petitioner filing an appeal within a period of one week from today.

10. It is further directed that the respondent shall refrain from cancelling the security permits already granted, and if the same has not been granted forthwith, then revalidate or renew the same.

11. The petition and the pending application are disposed of.

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

VIBHU BAKHRU, J

APRIL 08, 2019

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