

Ladda-Nitin

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY**

ORDINARY ORIGINAL CIVIL JURISDICTION

**INTERIM APPLICATION No. 1 OF 2020
IN
INTERIM APPLICATION No.1 OF 2019
IN
WRIT PETITION NO. 1268 OF 2019.**

Mumbai International Airport Ltd. ...Applicant.

In the matter between :-

Mumbai International Airport Ltd. ...Petitioner.

vs

The State of Maharashtra & Ors ...Respondents.

Mr. S.R. Nargolkar a/with Mr. A.B. Kadam, Ms. Sherrie Rebello
and Ms. Krupali Salgaonkar i/by Mr. Aumkar V. Joshi, Advocate
for the Petitioner/Applicant.

Mr. Milind More, AGP for Respondent-State.

Ms. Mini Mathew, Advocate for Niswarth Kamgar Sangathna in
CHS/245/2019.

**CORAM : S. J. KATHAWALLA &
B. P. COLABAWALLA, JJ.**

DATED 11TH FEBURARY , 2020.

P.C. :

1. On 14th January, 2020 this Court passed the following order :-

“Perused the Interim Application by which the Applicant / Mumbai International Airport has sought the following reliefs :-

- “(a) This Court be pleased to allow the Applicant to hold public auction of vehicles and equipments belonging to Respondent No.4 lying at the Mumbai Airport, on as is where is basis, (List at Exhibit “C” hereto) and allow the Applicant to deposit the sale proceeds of the said public auction with Respondent No.3 after deducting expenses for holding said public auction for vehicles and equipments belonging to Respondent No.4 lying at the Mumbai Airport;*
- (b) This Court be pleased to grant such further and other reliefs as the nature and circumstances of the case may require.”*

2 *For the reasons set out in the Interim Application, the Applicant/ Petitioner is allowed to sell the equipment/materials set out in the list appended at Exh “C” to the Petition, on as is where is basis by e-Auction process. The said process shall be carried out as per the terms set out by the Petitioner in the “e-Auction process” a copy of which is tendered in Court, and is taken on record and marked “X” for identification. It is clarified that the sale proceeds received pursuant to the auction shall be forwarded by the Petitioner to the Prothonotary and Senior Master of this Court. Upon the amount being so deposited, the Prothonotary and Senior Master of this Court shall invest the said amount in a Fixed Deposit of a Nationalized Bank initially for a period of six months and shall thereafter renew the same after seeking directions from this Court. Liberty is granted to the parties including the Applicant to make an application seeking appropriate orders qua the amount deposited by the Petitioner with the Prothonotary. A copy of the covering letter forwarding the sale proceeds to the Prothonotary and Senior Master shall be forwarded to the Applicant Union by the Petitioner.*

3 *In view of this order, the Chamber Summons as well as Interim Application stands disposed of.”*

2. Mumbai International Airport Limited (Applicant) has now applied to this Court to replace Exhibit 'C' by Exhibit 'D' which is annexed to Interim Application No.1 of 2020. The substitution as sought is allowed and the Applicant is now allowed to sell the items which are set out in Exhibit 'D' to Interim Application No.1 of 2020.

3. The learned Advocate appearing for the workers states that some of the items found in the list prepared by the Tahasildar, are not included in Exhibit 'D'. It is not clear whether the list relied upon by the workers is prepared by the Tahasildar/his office, since the same does not bear the signature or stamp of the Tahasildar. However, the Applicant shall ascertain whether the items set out in the list allegedly prepared by the Tahasildar are lying with them, and if so, they shall include the same in Exhibit 'D'. The learned Advocate for the applicant shall inform the learned Advocate appearing for the workers if any more items are added to Exhibit 'D' before the items set out therein are put up for sale.

4. Rest of the order dated 14th January, 2020 shall remain the same.

5. Interim Application No. 1 of 2020 is accordingly disposed off.

(B. P. COLABAWALLA, J.) (S. J. KATHAWALLA, J.)