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

+ W.P.(C) 13627/2019 & CM Nos.55045-46/2019

(11) W.P.(C) 13653/2019 & CM Nos.55080-81/2019

VISSKAN AVIATION PVT. LTD. AND ANR. Petitioners

VISSKAN ASSOCIATES AND ANR. Petitioners

Through: Mr.Amitabh Chaturvedi and
Mr.Sumit Kumar Shukla, Advs.

versus

BUREAU OF CIVIL AVIATION AND SECURITY AND ORS.

..... Respondents

Through: Mrs.Suparna Srivastava, Mr.Tushar
Mathur and Ms.Nehul Sharma, Advs.
for R-1 to 5.

(39) CONT.CAS(C) 2/2020 & CM No.272/2020

(40) CONT.CAS(C) 3/2020 & CM No.274/2020

VISKAAN ASSOCIATES & ANR Petitioners

VISSKAN AVIATION PVT. LTD. AND ANR. Petitioners

Through: Mr.Amitabh Chaturvedi and
Mr.Sumit Kumar Shukla, Advs.

versus

RAKESH ASTHAANA & ORS Respondents

Through: Mrs.Suparna Srivastava, Mr.Tushar
Mathur and Ms.Nehul Sharma, Advs.
for R-1 to 5.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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07.01.2020

1. This Court by its order(s) dated 23.12.2019 passed in the abovementioned Writ Petitions and after pursuing the records of the respondents regarding denial of the security clearance to the petitioner(s), directed the respondents to furnish the reasons for denial of the security clearance so that the petitioner(s) are in a position to take recourse to their appropriate remedy in accordance with the law.

2. In purported compliance with the said directions, the respondents by communications dated 30.12.2019 have given the following reasons to the petitioner(s):

“(i) M/s Visskan Aviation Pvt. Ltd. and Visskan Associates applied online for Security Clearance on e-Sahaj portal on 28.02.2019.

(ii) On receipt of the above application, the same was examined alongwith relevant documents and submitted to Central Security Agency for verification.

(iii) After receipt the Central Security Agency's report the subject application was processed for final decision of competent authority. The verification report received from Central Security Agency was adverse on core national security parameters and the same cannot be shared with the petitioner as per Manual of Departmental Security Instructions read as under: -

“Chapter -IV (1.1) The information given in restricted documents is not to be published or communicated, either directly or indirectly, to the Press or to any person not authorized to receive it.”

3. In my view, the above is not in compliance with the directions issued by this Court vide order(s) dated 23.12.2019. I have also perused the Intelligence Bureau Report on the basis of which the petitioner(s) have been denied security clearance. I find that there is nothing confidential which

would restrict the disclosure of the reasons contained therein to the petitioner(s).

4. Accordingly, the present petitions are disposed of directing the respondents to disclose the reasons as have been mentioned in the Intelligence Bureau Report to the petitioner(s) within a period of two weeks from today. On receipt of such communication, it would be open to the petitioner(s) to challenge the same in accordance with the law.

Dasti.

NAVIN CHAWLA, J

JANUARY 07, 2020/Arya