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

+ **W.P.(C) 3053/2020**

HONEYWELL AUTOMATION INDIA LIMITED AND ANR

..... Petitioners

Through: Ms.Ritu Bhalla, Mr.Manu
Krishnan, Mr.Yajur Mittal and
Ms.Riddhi Vyas, Advs.

versus

AIRPORT AUTHORITY OF INDIA

..... Respondent

Through: Mr.Digvijay Rai,Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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26.05.2020

This hearing has been held by video conferencing.

CM No.11304/2020 (Exemption)

Allowed, subject to all just exceptions.

CM No.11305/2020

1. This application has been filed by the petitioners seeking clarification/ modification of the order dated 06.05.2020 passed by this Court.
2. This Court, by its order dated 06.05.2020, had passed the following directions:

“9. Though some part of the cause of action may have arisen in Delhi as the Bank Guarantee has been issued in the name of the Chairman, AAI and its headquarters are also in Delhi, the dispute ought to be adjudicated in Calcutta which has the closest connection to the subject matter of the writ petition. However, in view of the circumstances currently prevailing due to the lockdown

*and bearing in mind that the functioning of courts in general is at a minimal level, as also the notifications of the Calcutta High Court, it is directed that status quo shall be maintained in respect of the bank guarantee No. 0005BGR0114817, dated 2nd December, 2016, for the sum of Rs. 2,56,90,803/- and no coercive steps be taken against the Petitioner to recover sums in respect of the missing items, until the lockdown is lifted and **Courts in Calcutta start regular functioning.**”*

(Emphasis supplied)

3. The learned counsel for the petitioners submits that even after the Calcutta High Court starts its regular functioning, it may take some reasonable time for the petitioners to approach the Calcutta High Court and have its matter listed before that Court. The learned counsel for the petitioners, therefore, prays for modification of the order to the extent that the interim protection granted to the petitioners be extended for a period of two weeks' time after the opening of the regular functioning of the Calcutta High Court.

4. On the other hand, the learned counsel for the respondent submits that the Calcutta High Court is now listing the urgent matters for hearing with one Division Bench and one Single Judge Bench hearing urgent Writ Petitions. He submits that the petitioners can always approach the Calcutta High Court and therefore, the order does not require any modification.

5. Having heard the learned counsels for the parties and taking into consideration that the order dated 06.05.2020 has directed status quo regarding the Bank Guarantee to be maintained “**until the lockdown is lifted and Courts in Calcutta start regular functioning**” and admittedly, the Calcutta High Court has not started its regular functioning but is only listing extremely urgent matters and also that the petitioners

would face difficulty in approaching the Calcutta High Court due to the lockdown and restriction on movement of persons, I deem it appropriate that the order dated 06.05.2020 be modified to the limited extent that the protection granted to the petitioners shall enure for a period of one week after the lifting of the lockdown and the Calcutta High Court starting its regular functioning.

6. The application is disposed of in the above terms.

7. The order shall be uploaded on the website and shall also be provided to the learned counsels on the e-mail address provided.

NAVIN CHAWLA, J

MAY 26, 2020/Arya/sd