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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 12th April, 2021
+ **W.P.(C) 1938/2021 & CM APPL. 5640/2021**
AIRPORTS AUTHORITY OF INDIA Petitioner
Through **Mr. Digvijay Rai, Advocate.**

versus

**CENTRAL BUREAU OF INVESTIGATION &
ANR.** Respondents
Through **Mr Prasanta Varma Special Public
Prosecutor CBI with Mr Amrit Singh
Khalsa, Ms Hiteshi Kakkar Advocates
for Respondent CBI.
Mr. Jitendra Bharti, Advocate for R-
2.**

**CORAM:
JUSTICE PRATHIBA M. SINGH**

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through Video Conferencing.
2. The concern of the Petitioner i.e. the Airports Authority of India (*hereinafter, "AAI"*) in this Petition, is that helicopter bearing No. BELL 47G5-VT-EAP, which was seized in FIR No.799/1998 registered with P.S. Hauz Khas, New Delhi is parked in Hangar No.4, Safdarjung Airport, New Delhi and the same needs to be removed on an urgent basis due to security concerns.

3. The prayer in the petition reads as under:

*"i) direct the Respondents to immediately remove the helicopter bearing No. BELL 47G5- VT-EAP perched at Hangar No. 4 occupying an area of 182 sq. mtrs. At Safdarjung Airport;
ii) direct the Respondent No.1 to pay the license*

fee @ Rs. 100/- per sq.mtr. w.e.f. 26.05.2004 till 31.12.2020 in terms of the letter dated 26.05.2004;

iii) in the alternative, allow the Petitioner to auction the helicopter bearing No. BELL 47G5-VT-EAP perched at Safdarjung Airport and appropriate the proceeds of the said auction towards recovery of the outstanding dues against the Respondent No.1;

iv) any other order or such further orders as this Hon'ble Court may deem fit and proper in the given facts and circumstances of the case."

4. On 12th February, 2021, notice was issued to the CBI asking it to place its stand on record. The counter affidavit on behalf of the CBI has been received. In the counter affidavit, the stand of the CBI is that the CBI had seized the helicopter only on the directions of the High Court of Delhi. Since the CBI did not have the infrastructure to assemble/disassemble the helicopter in question or park the same, the AAI was requested to allot a parking space. The AAI acceded to this request on 18th May, 2004 and since then, the helicopter has been parked there. It has been clarified that the CBI has not drawn any pecuniary benefits by parking the helicopter at the premises of AAI or carried out any trade/business for which charges are leviable. Mr. Varma, Id. Counsel for the CBI, submits that the CBI has no objection if the helicopter is released by this Court.

5. Ld. counsel for Respondent No.2, who is stated to be the owner of the helicopter, submits that he would be willing to take custody of the helicopter so long as he is not made to pay any charges in respect thereof.

6. Considering the overall facts and the fact that the case of the Petitioner is that it requires the space where the helicopter is parked, as also

in view of the stand of the CBI, the Petitioner shall hand over possession of the helicopter to Respondent No.2.

7. Insofar as the licence fee is concerned, it is unclear at this point as to who would be responsible in respect of the licence fee and the outstanding dues. Accordingly, the AAI is permitted to avail its remedies for recovery of the licence fee, in accordance with law.

8. Respondent No.2 shall remove the helicopter from the premises of the Petitioner within a period of four weeks.

9. Mr. Varma, Id. Counsel, to supply a copy of the affidavit of the CBI to Id. Counsel for the Petitioner.

10. With these observations, the petition is disposed of. All pending applications are also disposed of.

PRATHIBA M. SINGH
JUDGE

APRIL 12, 2021

Rahul/C