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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.3703 OF 2022
IN
WRIT PETITION NO.4575 OF 2016**

Air India Limited & Ors. ... Applicants

In the matter between:

Air India Limited & Ors. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Aabad Ponda, Senior Advocate with Mr. Vijay Purohit, and Mr. Virendra Vikram i/by P&A Law Offices for the applicants/petitioners.

Mr. Deepak Prabhu, respondent no.3 in-person.

Mr. A.R. Patil, APP for respondent no.1/State.

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CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 11, 2022

P.C.:

- 1.** The interim application is filed seeking clarification of the order dated 30th January 2017.
- 2.** On 30th January 2017, this Court issued rule and granted interim relief in terms of prayer clause (c).
- 3.** In view of the judgment of the Apex Court in the case of **Asian Resurfacing of Road Agency Pvt. Ltd. v. Central Bureau of Investigation** reported in 2018 (16) SCC 299, an

impression is sought to be created that the interim order granted on 30th January 2017 has life of only six (6) months.

4. The effect of the orders granted by the superior Courts after hearing both sides is no longer *res integra* in view of recent judgment of the Apex Court in **Asian Resurfacing of Road Agency Pvt. Ltd. & Anr. v. Central Bureau of Investigation** reported in 2022 SCC OnLine SC 1014, wherein the Apex Court after hearing both sides in the same petition has clarified in paragraph 5 as under:

“5. We are afraid that the attempt of the applicant to draw inspiration from the above directions as referred to above cannot succeed in view that this Court cannot be understood as having intended to apply the principle to the fact situation which is presented in this case. Accordingly, the miscellaneous application for clarification is disposed of by clarifying that the order of stay granted by the Division Bench in the High Court cannot be treated as having no force. However, we leave it open to the applicant to seek early disposal of the case.”

5. In view of the clarification by the Supreme Court in paragraph 5 in Miscellaneous Application No.706 of 2022, it is made clear that the order granted by this Court after hearing both sides in the facts of the present case is continued till the order is vacated after hearing both sides.

6. The interim application stands disposed of. No costs.

(AMIT BORKAR, J.)