

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

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**WRIT PETITION NO. 1795 OF 2019
ALONGWITH
INTERIM APPLICATION NO. 912 OF 2020
IN
WRIT PETITION NO. 1795 OF 2019
ALONGWITH
INTERIM APPLICATION (L) NO. 2220 OF 2021
IN
WRIT PETITION NO. 1795 OF 2019**

Hotel Leelaventure Limited

....Petitioner

Vs

Airports Authority of India

...Respondent

Mr. Rafique Dada, Senior Advocate a/w Mr. Ankoosh Mehta, Mr. Aviral Sahai and Ms. Janvi Manek i/b Cyril Amarchand Mangaldas for Petitioner.
Mr. Ajay G. Khaire for Respondent.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 6th FEBRUARY 2023**

P.C. :

1. Mr. Dada states that this petition came to be filed against the order of the Eviction Officer allowing Amendment Application filed by respondent vide order dated 31st May 2019 because at that point of time there was no Appellate Forum constituted. Mr. Dada states that now under the Airports Authority of India Act, 1994 (the Act) Section 28 K provides that any person aggrieved by an order of the Eviction Officer may, within 15 days from the date of such order, prefer an appeal to the High Court. Section 28 K of the Act further contains a proviso by which the High Court is permitted to extend the period of 15 days but to a maximum period of 30

days if it is satisfied that appellant was prevented by sufficient cause from filing the appeal in time.

2. Mr. Dada states that now the High Court has been designated as the Appellate Forum, petitioner be given leave to withdraw this petition with liberty to file an appeal. Mr. Dada further states that an appeal may not be necessary after petitioner's petition under Section 37 of the Arbitration and Conciliation Act, 1996 read with application filed under Section 11 of the said Act is allowed by this court.

3. We are not making any observations on the merits of the matter but at the same time permit petitioner to withdraw this petition with liberty to file an appeal. The time spent from the date this petition was lodged till today will be excluded from the time as prescribed under Section 28 K of the Act. All rights and contentions of respondent are kept open.

4. Petition disposed.

5. Consequently, all Interim Applications stands disposed.

(RAJESH S. PATIL, J.)

(K.R. SHRIRAM, J.)