

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

FIRST APPEAL NO.1798 OF 2024

Air Corporation of Scheduled Castes
& Scheduled Tribes Employees Association ... Appellant
V/s.
Union of India & Ors. ... Respondents

**WITH
INTERIM APPLICATION (ST) NO.34167 OF 2024
IN
FIRST APPEAL NO.1798 OF 2024
WITH
INTERIM APPLICATION NO.15009 OF 2024
IN
FIRST APPEAL NO.1798 OF 2024
WITH
INTERIM APPLICATION NO.15006 OF 2024
IN
FIRST APPEAL NO.1798 OF 2024**

Mr. Nitin Satpute a/w Rachit Singh, Deepak Jagdev, Snehali Thakur for the Appellant.

Ms. Shilpa Kapil a/w Chidanand Kapil for Respondent No.3-AAI.

Mr. Vikram Nankani, Senior Advocate, Mr. Chirag Kamdar, Ms. Shoma M., Ms. Samruddhi Mali i/by Wadia Ghandy & Company for Respondent No.4.

Mr. Kishor Dhoke, Reporting Trustee of the Appellant is present.

CORAM : ARIF S. DOCTOR, J.

DATE : 02ND DECEMBER 2024

P.C. :

1. The captioned First Appeal was today placed on board under the caption 'for direction', since it was contended that certain members of the Appellant Association, totaling to 27 in number, had requested that they be permitted to remove certain personal articles and belongings from their respective units/flats, which units/flats had now been sealed and/or possession of which was handed over to Respondent No.4.

2. Mr. Nankani, Learned Senior Counsel appearing on behalf of Respondent No.4 has today submitted that Respondent No.4 is willing to, on a strictly without prejudice basis, permit the 27 members of the Appellant Association on humanitarian ground to remove their articles from their respective units/flats. He then tendered for the assistance of the Court the terms on which Respondent No.4 was agreeable to accede to the request made by the Appellant Association. The same was shared with the Learned Counsel appearing on behalf of the Appellant who, in principle, has no objection to the same, save and except to clarify that this order would not in any manner affect the rights of the Appellant in the captioned First Appeal or would in any manner be used against the Appellant to contend that the Appellant had in any

manner given up their rights in the captioned First Appeal. Mr. Nankani has also tendered to the Court a list giving names and details of the occupants of the various units/flats from which the personal articles are sought to be removed. The said list is marked as 'Annexure-1' for identification. Having regard to this, I pass the following order:-

- i. The occupants, whose names appear on the list marked as Annexure-1 for identification, shall be permitted to remove their personal items/articles from their respective units/flats subject to them on/or before 4th December 2024 furnishing an undertaking in the format tendered and marked as 'Annexure-2'.
- ii. The undertaking shall be duly signed alongwith a copy of the government-issued ID reflecting the name and details of the person giving the said undertaking.
- iii. In the event such undertaking is given, then on 5th December 2024 the concerned individual/s will visit the sealed premises alongwith a representative of Respondent No.4 between 11.00 a.m. and 5.00 p.m.

- iv. The representative of Respondent No.4 will unseal the concerned premises and permit the concerned individual/s to remove their articles, belongings, furniture and fixtures from the concerned premises within a period of six hours and in any case, before 5.00 p.m.
- v. On the expiry of the six-hour period the representative of Respondent No.4 will reseal the concerned premises, and the concerned individual/s or any of their representatives shall not be entitled to seek reopening of the seal/lock thereafter.

3. The aforesaid exercise contemplated in Paragraphs (i) to (v) will be carried out in the presence of police personnel, for which purpose the Police Station Incharge shall be directed to depute a team led by an officer not below the rank of Inspector of Police for this purpose.

4. It is clarified that nothing in this order shall be deemed to construe any right or equity having been created in favour of the Appellant or its members in respect of the concerned premises, however keeping open all the Appellant's rights and contentions canvassed in the captioned First Appeal.

5. Similarly, all rights and contentions of Respondent No.4 *qua* the maintainability of the Appeal as also the fact that the same has been filed after expiration of the statutory period and that the Impugned Orders have become final and binding are also expressly kept open.

6. Once all the Undertakings are filed, the copy of the same shall also be furnished to Respondent No.4 enabling it to act upon the same.

7. Stand over to 11th December 2024 at 2.30 p.m.

(ARIF S. DOCTOR, J.)