

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1798 OF 2024

Air Corporation of Scheduled Castes and
 Scheduled Tribes Employees Ass.

...Appellant

Vs.

Union of India & Ors.

...Respondents

WITH
 INTERIM APPLICATION NO. 15566 OF 2024
 WITH
 INTERIM APPLICATION NO. 15565 OF 2024
 WITH
 INTERIM APPLICATION NO. 15009 OF 2024
 WITH
 INTERIM APPLICATION NO. 15006 OF 2024

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

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

Mr. Vikram Nankani, Senior Advocate a.w Chirag Kamdar, Shoma Maitra and
 Samruddhi Mali i/by Wadia Ghandy And Co. for Respondent No.4.

CORAM : ARIF S. DOCTOR, J.

DATE : 16TH DECEMBER, 2024

P.C.:-

1. The matter was placed on board today, however, the Court was informed that Learned Counsel for the Appellant had submitted a leave note.

2. When the matter was called, Mr. Kishor J. Dhoke, who claims to be the "Reporting Trustee" of the Appellant sought to appear. When the Court put to

him in what capacity he was appearing and whether he has been granted permission to appear in person by the committee, he submitted that he had not been, but requested the Court to hear him in view of the humanitarian issues which the Court noted had exist in the matter. It is thus I have entertained Mr. Dhoke making it clear that this is only as by way of an exception of today's hearing.

3. Mr. Dhoke submitted that though 10 members of the Society had submitted their undertakings, Respondent No.4 had not permitted them to remove their articles from their respective flats.

4. This was strongly disputed by Mr. Nankani, Learned Senior Counsel appearing on behalf of Respondent No.4. He submitted that the order was very clear. The undertakings were given to the Court had not been complied with and thus the individual members being in non-compliance were not permitted to remove their respective articles. He, however, submitted that Respondent No.4 would have no objection once again to give another opportunity to the members of the Appellant-Association to comply with the previous direction of the Court to remove their respective articles from their respective flats.

5. Mr. Dhoke then submitted that 10 individuals seek to remove their articles and shall in compliance with the previous order submit their undertakings in this Court tomorrow i.e. 17th December, 2024 by 5.00 p.m. In addition to these 10 members, if there are any other members, they may also

submit their undertakings to the Court tomorrow i.e. 17th December, 2024 by 5.00 p.m.

6. I must note that this is now the third time the Court is undertaking this exercise. If all members of the Associations submit their undertakings by 5.00 p.m. tomorrow in the format that is annexed to the order dated 11th December, 2023, Mr. Nankani confirms that they shall be permitted to remove their articles on the terms mentioned in the previous order.

7. However, at this stage Mr. Dhoke submits that another issue arises is that some of the members' Government issued identifications are enclosed in their flats. He submits that therefore the undertaking may permitted to be given on production of a soft copy of the identification. They are permitted to do so.

8. Respondent No.4 shall facilitate removal of the articles between 18th and 20th December, 2024 after a schedule prior.

9. Needless to state that in the event Respondent No.4 requires to take any assistance from the Vakola Police Station, the said assistance shall be rendered by the Vakola Police Station.

10. Stand over to 15th January, 2025.

(ARIF S. DOCTOR, J.)