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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 252/2024

SUBHOJIT CHATTERJEE

..... Appellant

Through: Mr.Gautam Das with Mr.K.Basudev
Rao, Mr.C.M.Goyal, Mr.Dhirendra Kr.Jha, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr.Jagdish Chandra Solanki with
Mr.Francis Fernandes, Mr.Shubham Agarwal,
Advs & Mr.Gokul Sharma, G.P. for R-1 & 2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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28.03.2024

CM APPL. 18686/2024 -Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 18688/2024 -Delay 12 days.

3. This is an application filed by the appellant seeking condonation of 12 days delay in filing the appeal.
4. The application is, for the reasons stated therein, allowed and the delay of 12 days in filing the appeal stands condoned.
5. The application stands disposed of.



CM APPL. 18687/2024 -Addl. doc.

6. This is an application filed by the appellant seeking to place on record additional documents.
7. The application is, for the reasons stated therein, allowed and the additional documents filed along with the application are, subject to just exceptions, taken on record.
8. The application stands disposed of.

LPA 252/2024 & CM APPL. 18685/2024 -Int. Dir.

9. The present appeal under Clause X of the Letters Patent seeks to assail the order dated 18.01.2024 passed by the learned Single Judge in W.P. (C) 483/2024. Vide the impugned order, the learned Single Judge has rejected the writ petition preferred by the appellant by holding that the respondent no.3/M/s Interglobe Aviation Ltd.(Indigo Airlines) against which the main relief was being sought was not amenable to writ jurisdiction.
10. Having heard learned counsel for the appellant at some length, we are inclined to concur with the said view taken by the learned Single Judge that a writ petition would not lie against a private entity like M/s Interglobe Aviation Ltd, which is purely a private limited company.
11. At this stage, learned counsel for the appellant submits that the appellant had submitted a representation dated 01.07.2023 to the respondent no.2/Director General of Civil Aviation, which representation has not been responded to, till date. If that be so, even though we are not inclined to interfere with the impugned order passed by the learned Single Judge, we are of the considered view that



the respondent no.2 ought to decide the appellant's pending representation in a time bound manner.

12. Accordingly, while upholding the impugned order, we direct the respondent no.2 to decide, within six weeks, the appellant's representation dated 01.07.2023, if not already decided. In case, the said representation is not found to be maintainable for any reason whatsoever, it will be open for the respondent no.2 to communicate this fact to the appellant. Needless to state, this Court has not expressed any opinion on the merits of the rival claims of the parties.

13. For the aforesaid reasons, the appeal is along with all pending application stands dismissed with directions to the respondent no.2 as noted hereinabove.

14. It is further made clear, that this order will not preclude the appellant from availing of appropriate remedies as per law against the respondent nos.3 and 4.

REKHA PALLI, J

RAVINDER DUDEJA, J

MARCH 28, 2024

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