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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 12554/2024 & CM APPL. 52222/2024**  
**AMIT FABRICATOR AND HYDRAULIC INDUSTRIES**  
**THROUGH ITS SOLE PROPRIETOR MR. AMIT KUMAR**

.....Petitioner

Through: Mr. Ishaan Chhaya, Mr. Adeem Ahmed and Mr. Utkarsh Kandpal, Advocates.

versus

**AIRPORTS AUTHORITY OF INDIA & ORS.** .....Respondents

Through: Mr. Digvijay Rai, Mr. Archit Mishra, Mr. Rohit Kumar Munjral and Mr. Raghav Ali Khan, Advocates for R-1. Ms. Anjana Gosain, Advocate for R-2 to 4. Mr. Diwakar Maheshwari and Ms. Pratiksha Mishra, Advocates for Resolution Professional/ R-5.

**CORAM:**  
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**  
**11.09.2024**

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1. The Petitioner asserts that they had leased ground services equipment (GSE) to Respondent No. 5 (Go Air) for its operations at, *inter alia*, Sheikh Ul Alam International Airport, Srinagar. Pursuant to Respondent No. 5 being admitted to CIRP, an amendment agreement dated 24<sup>th</sup> May, 2023 was executed with the interim Resolution Professional, whereby Respondent No. 5 continued the license of use of the Petitioner's GSE at Srinagar Airport



during the pendency of the CIRP proceedings.

2. It is contended that the lease of GSE has now been suspended by Respondent No. 5, as evident from their communication dated 22<sup>nd</sup> May, 2024, and accordingly, the possession of the GSE ought to be handed over to the Petitioner. To this effect, a further communication dated 16<sup>th</sup> June, 2024 has been sent to Respondent No. 1/ Airports Authority of India (AAI) to release the said equipment.

3. In view of the foregoing, the Petitioner seeks the following reliefs:

- “(a) *Issue a writ of Mandamus or any other writ/order/direction of like nature to the Respondents No. 1 to 4 to permit the Petitioner to enter the Sheikh Ul Alam International Airport, Srinagar, UT of Jammu and Kashmir’s aerodrome premises, take possession of its ground services equipment therein (as listed out particularly described in Annexure P-23 and exit the aerodrome premises with the said ground services equipment; and/or*
- (b) *In the alternative, issue a writ of Mandamus or any other writ/order/direction of like nature to the Respondents No. 1 to 4 directing them to immediately and forthwith deliver possession of its ground services equipment therein (as listed out particularly described in Annexure P-23; and/or”*

4. Issue notice. Counsel mentioned in the appearance above accept notice.

5. Mr. Digvijay Rai, counsel for Respondent No. 1, states that they have no objection to the GSE being released to the Petitioner, however, there was no formal communication to this effect received from Respondent No. 5. In response, counsel for Petitioner relies upon a communication dated 7<sup>th</sup> June, 2024 to submit that the communication had indeed been sent by Resolution Professional to AAI. The said communicatoin is extracted hereunder:



On Fri, Jun 7, 2024 at 5:57 PM Project Phantom <[ProjectPhantom@in.ey.com](mailto:ProjectPhantom@in.ey.com)> wrote:

Dear Sir,

In view of the 26th April 2024 Order, the Delhi High Court has deregistered all the aircraft leased out by the lessors to Go First. In view of the foregoing developments, Go First has decided to return the Leased Equipment of the 3<sup>rd</sup> party equipment lessors.

Kindly go through the below mentioned details pertaining to the 3<sup>rd</sup> party lessors:

- Name of the Equipment Lessor: Amit Fabricator & Hydraulic Industries
- Airport: Sheikh Ul Alam International Airport, Srinagar
- List of Equipment to be released: (attached)
- Go First Employee (Point of Contact): Mr. Sumit Bhandari
- Email Id: [sumit@flygofirst.com](mailto:sumit@flygofirst.com) (Phone No: 9871005044)

Requesting for your assistance on the above matter to release the equipment at the earliest to the above-mentioned equipment lessors.

Regards,

Office of the Resolution Professional,  
Go Airlines (India) Limited

6. Mr. Rai nonetheless states that since AAI is not in receipt of this communication, the Resolution Professional must confirm the same.

7. Mr. Diwakar Maheshwari, counsel representing the Resolution Professional/ Respondent No. 5, confirms dispatch of the aforementioned communication to AAI.

8. In light of the above, in the opinion of the Court, the controversy stands resolved. Accordingly, a direction is issued to Respondent No. 1/ AAI to release the equipment as per the 'List for equipment' dated 13<sup>th</sup> August 2024, attached to the legal notice dated 14<sup>th</sup> August, 2024<sup>1</sup> issued by the Petitioner to Respondent No. 1.

9. It is made clear that AAI shall be free to communicate their claims for any outstanding dues in respect of the leased equipment/ GSE to the Resolution Professional, which shall be considered in accordance with law.

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<sup>1</sup> Annexure P-26



10. With the above directions, the present petition along with pending application, is disposed of.

**SANJEEV NARULA, J**

**SEPTEMBER 11, 2024**

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