Court No. - 16

Case :- WRIT - C No. - 705 of 2003

Petitioner :- State Of U.P. Thru Secy. Medical Education And Anr.
Respondent :- Union Of India Civil Aviation Thru Secy. And 4 Ors.
Counsel for Petitioner :- Addl. C.S.C.,K.D.Nag,Shailendra Kumar Singh
Counsel for Respondent :- B.B. Saxena,Birendra Prasad Singh,Surya Bhan Pandey

Hon'ble Ashwani Kumar Mishra,J.
Hon'ble Samit Gopal,J.

1. Copy of the supplementary affidavit dated 21.12.2023, furnished to the Court by the counsel for the petitioners, is taken on record.

2. This writ petition is preferred by the State of Uttar Pradesh challenging the order dated 03.12.2012 levelling demurrage charges of Rs.80,67,589/- along with further damages of Rs.3,573/- per day, after 10.12.2001.

3. The charges appear to have been levied as certain machine was imported by the State Government but on account of some objections raised by the Department of the custom, the machine could not be removed from the premises.

4. The petitioners contend that there was absolutely no failure on their part in removing of goods and the demand of demurraging charges is uncalled for.

5. The writ petition has been entertained on the condition of deposit of Rs.19,00,000/- within seven days from 05.02.2003 and an interim protection is also granted to the petitioners.

6. A supplementary affidavit has been filed by the petitioners-State offering to settle the dispute with the respondents. It is contended that the Airport Authority of India has come out with the scheme known as 'Airport Authority of India Mediation Policy, 2022' for settlement of such schemes and the petitioners intend to avail such remedy.

7. Learned counsel representing the respondent-Union of India and Sri Birendra Prasad Singh, learned counsel appearing for

the respondent-Airport Authority of India have no objection to the petitioners' plea to withdraw the writ petition and approach the respondents for settlement of their dispute in terms of the aforesaid schemes.

8. In that view of the matter, we permit the petitioners to withdraw this writ petition with liberty to approach the Authority in terms of the Airport Authority of India Mediation Policy, 2022 and it goes without saying that in case a claim is made by the petitioners it shall be dealt with, in accordance with law.

9. The amount deposited by the petitioners in terms of the interim order would be adjusted towards the dues held payable in terms of the scheme.

10. Subject to the above observations/directions, this writ petition is **dismissed** as withdrawn with liberty, as prayed**.**

Order Date :- 18.11.2024
Anurag/-

Digitally signed by :-
ANURAG JAISWAL
High Court of Judicature at Allahabad,
Lucknow Bench