

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 226 OF 2026
WITH
INTERIM APPLICATION NO. 1384 OF 2026

Indian Airport Employees Union .. Appellant

Versus

Mumbai International Airport Pvt Ltd .. Respondent

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- Mr. Mihir Desai, Senior Advocate a/w Ms. Rishika Agarwal, Advocates for Appellant
- Mr. Vikram Nankani, Senior Advocate a/w Mr. Tejas Bhide & Ms. Shivani Pawle, Advocates for Respondent

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 06, 2026

P. C.:

1. Not on board. Mentioned by way of filing a praecipe dated 06.03.2026.

2. Heard Mr. Desai, learned Senior Advocate appearing for Appellant and Mr. Nankani, learned Senior Advocate appearing for Respondent. By consent of both the learned Senior Advocates, present Appeal from Order is heard finally.

3. Grievance of Appellant - Plaintiff is that it is the Employees Union office functioning from the premises on the land belonging to the Airport Authority of India which is being developed by Respondent. Claim of the Appellant is that the Union office was functioning in the subject structure since 1995. When development

was on anvil notices were issued to all dwellers including Appellant - Plaintiff. Impugned order dated 31.01.2026 passed by learned Trial Court rejects interim relief to the Appellant by returning cogent reasons in paragraph Nos. 21 and 22 of the said order.

4. Mr. Desai, learned Senior Advocate appearing for Appellant - Plaintiff would inform the Court that exigency to move the Court urgently has arisen in view of the notice of demolition received from Respondent. He in his usual fairness would submit that Appellant - Plaintiff be given four weeks time to vacate the subject structure since there is apprehension that same will be demolished. Said request made by Mr. Desai *prima facie* appears to be fair. Mr. Nankani, learned Senior Advocate appearing for Respondent also agrees to the same. Needless to state that said request is granted by the Court subject to an undertaking filed by Ms. Deepti Gopinath, Secretary of Appellant who is present before me in this Court and state that the subject structure shall be vacated within the stipulated period. Four weeks period from today and handed over to the Respondent. Such undertaking shall be filed within a period of one week from today.

5. Above order is passed with a caveat that the substantive Suit bearing S.C. Suit No. 286 of 2025 seeking desired relief as also any other reliefs that the Appellant - Plaintiff may desire to file / claim in the said Suit is kept expressly open to be prosecuted in the Trial

Court. That apart Mr. Desai has drawn my attention to letters for regularisation dated 20.10.2015 and 06.11.2015 (appended at page Nos. 173 & 168 of AO). Since these letters are of the year 2015, leave and liberty is granted to the Appellant - Plaintiff to file a fresh representation to the Airport Authority of India who is the owner of the land as also MMRDA who is the Planning Authority in the present case and is developing the said plot for considering the eligibility of Appellant for alternate accommodation. If any such representation is filed by Appellant - Plaintiff, same shall be considered by them in accordance with law insofar as the eligibility of Appellant - Plaintiff to alternate structure after rehabilitation is concerned or otherwise. All contentions of both the parties are expressly kept open. Needless to state that since the Appellant - Plaintiff has volunteered to vacate the subject structure, concerned Authorities shall hold their hands before proceeding with demolition of the said structure for a period of four weeks from today. This order shall be conveyed to MMRDA also.

6. Appeal from Order stands disposed of in the above terms. Interim Application is also disposed.

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[MILIND N. JADHAV, J.]

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