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

+ **CONT.CAS(C) 236/2023**

PARAS NARSI THROUGH SEJAL KUMAR SOLANKI

..... Petitioner

Through: Mr. Mayank Wadhwa, Mr. Abhishek Wadhwa, Mr. Junaid Qureshi and Ms. Samidha Jain, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Digvijay Rai and Mr. Archit Mishra, Advocates for R-3/AAI
Mr. Mukul Singh, CGSC with Ms. Ira Singh and Mr. Aditya Bhanu, Advocates for Respondent Nos. 1, 4, 5 & 7.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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24.02.2023

1. The present petition has been filed alleging non-compliance with the judgment dated 22.02.2023, passed by a Division Bench of this Court, in W.P.(Crl.) 537/2023, whereby the Respondents were directed to allow the Petitioner to fly to Ahmedabad, with all his belongings and documents.
2. The Division Bench of this Court specifically directed the Respondent No.2, Air India Ltd., to arrange for the Petitioner, forthwith at their cost, a flight from Delhi to Ahmedabad.
3. Learned counsel for the Petitioner states that despite the passing of the aforesaid judgment on 22.02.2023, the Petitioner is being illegally detained at the Indira Gandhi International Airport ('IGI Airport') as on date i.e., 24.02.2023.



4. Mr. Mukul Singh, learned counsel appearing on behalf of Respondent No. 5, Ministry of Home Affairs ('MHA'), and Respondent No. 4, Foreign Regional Registration Officer ('FRRO') states that the Petitioner is not being detained at the behest of MHA or FRRO.

5. He states that the authority responsible for implementing the direction is Respondent No.2, Air India Ltd.

6. He further states that there is provision at the IGI Airport, wherein, Respondent No. 2, Air India Ltd., can facilitate transport of the Petitioner from IGI Airport to Ahmedabad, through one of their international flights, without the Petitioner crossing the immigration desk.

7. He further states, on instructions, from Mr. Abhimanyu Singh, IC, Legal for FRRO, Delhi, that the Respondent Nos. 4 and 5 will extend all co-operations to Respondent No. 2, Air India Ltd., to facilitate the transfer of the Petitioner, who is at the IGI Airport presently, to board an international flight to Ahmedabad and will not cause any interference in his movement for the said purpose. His statement is taken on record.

8. Mr. Digvijay Rai, who appears on behalf of Respondent No.3, Airport Authority of India ('AAI') states that Respondent No.3, AAI, has no control over the IGI Airport and therefore, they are not in any position to implement the directions passed by the Division Bench in paragraph No. 14 of the judgment dated 22.02.2023. He states that the Respondent No.3, AAI, can in no manner facilitate the implementation of the said orders. He states that it's a matter of record that the Airport is privately managed.

9. He on instructions from the Mr. Sachin Yadav, AGM Law, AAI, Northern Region, states that the said directions can only be implemented by the Delhi International Airport Ltd. ('DIAL'), alone.

10. In the aforesaid circumstances, both counsel Mr. Mukul Singh and



Mr. Digvijay Rai states that it is the Respondent No.2, Air India Ltd., which has to comply with the directions at Paragraph 14 and the Delhi International Airport Ltd. has to cooperate with Air India Ltd. to enforce the said order.

11. None appears on behalf of the Respondent No. 2, Air India Ltd. despite service.

12. Learned counsel for the Petitioner states that Respondent No.2, Air India Ltd., has been served with the judgment dated 22.02.2023 at the following addresses and through the following officials: -

- i. 1st Service attempt made at 9pm on 22.02.2023 at the Air India Ltd. office at Terminal No.3 of IGI Airport; and
- ii. 2nd attempt at 8:30 am on 22.02.2023 at Air India Ltd. office at Terminal No.3 at IGI Airport.

13. He states, however, Air India Ltd. has refused to act upon the said orders on flimsy grounds.

14. Learned counsel for the Petitioner states that the copy of this petition has also been served on AIR India Ltd., however, none appears despite advance service.

15. DIAL is not a party to the present contempt petition.

16. In view of the submissions made by the learned counsel for the parties DIAL, on the oral request of the Petitioner, DIAL is impleaded as Respondent No. 8 through its Terminal Manager for Terminal No. 3.

17. Mr. Rai, is directed to serve a copy of the order dated 22.02.2023 and today's order i.e., 24.02.2023 on the Terminal Manager of DIAL and the Director of DIAL through e-mail.

18. It is further directed that the Terminal Manager of DIAL and the Director of DIAL communicate the orders dated 22.02.2023 and 24.02.2023



to the concerned Officer of AIR India Ltd., present at the IGI Airport including the duty Manager posted at the Terminal No.3 for immediate compliance of this order. The order be also communicated to the highest official of Air India Ltd., whose details are available with the Terminal Manager.

19. In view of the submissions made by the Petitioner it is apparent that Air India Ltd. has shown unacceptable indifference and lack of response to the judgment dated 22.02.2023 despite service.

20. In the circumstances, it is directed if the judgment dated 22.02.2023 is not complied with by Air India Ltd. on or before 12:00 PM tomorrow morning, the duty Manager of Air India Ltd. at Terminal No.3; its General Manager, Mr. Anil Kaul posted at Delhi; the Terminal Manager of DIAL for Terminal No.3; and the Senior most Officer of FRRO, who is on duty presently at the IGI Airport shall remain present in Court at 04:00 pm. tomorrow i.e., 25.02.2023.

21. A copy of this order be given *dasti* under the signatures of the Court Master.

22. The concerned SHO of the Police Station having jurisdiction over the IGI Airport is directed to extend all assistance to the Petitioner to serve a copy of this order on the Airport Manager of Air India Ltd. at Terminal No. 3, IGI Airport.

23. List on 25.02.2023 at 4.00 p.m.

MANMEET PRITAM SINGH ARORA, J
FEBRUARY 24, 2023/rhc