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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 238/2025, CM APPL. 19630/2025 & CM APPL. 19632/2025
AIRPORTS AUTHORITY OF INDIA

.....Appellant

Through: Mr. Digvijay Rai, S.C. with Mr. Archit Mishra, Adv. with Mr. P. P. Benarjee, Jt. GM and Mr. Sachin Yadav, DGM,AAI

versus

RAJASTHAN PATRIKA PVT LTD & ORS.

.....Respondent

Through: Mr. Pallav Sisodia, Sr. Adv. with Mr. Ajay Chaudhary, Mr Manish and Mr. Aditya Jain, Advs. for R-1.
Mrs Anjana Gosain, Adv. for R-2.
Ms. Manmeet Kaur, Mr. Gurtej Singh, Mr. Saurabh Jha, Mr. Kunal Kochar, Advs. for R-4.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
24.03.2026

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1. Heard learned counsel for the parties.
2. Pursuant to our order dated 16.02.2026, the Aeronautical Study Report has been finalized and the same has been tendered to Court by learned counsel for the appellant. The said report is taken on record, a copy of which has also been provided to learned counsel for the respondent No.1.
3. The findings recorded in the Aeronautical Study Report are as under:



“7. FINDINGS

7.1 The proposed structure, with top elevation of 457.26 m AMSL for Building, will be penetrating the Inner Horizontal Surface of Jaipur Airport by a margin of 25.92 m.

7.2 The proposed structure, with top elevation of 457.26 m AMSL for Building, is within the maximum allowable penetration of OLS as per the Aeronautical Study guidelines.

7.3 The proposed structure, with top elevation of 457.26 m AMSL for Building, will not affect adversely the safety and regularity of aircraft from PANS-OPS criteria.

7.4 The proposed structure, with top elevation of 457.26 m AMSL for Building, will not affect adversely the performance of CNS equipment.

7.5 Airport Operator should ensure that the applicant/owner/builder carry out marking and lighting of the structure(s) as per the DGCA CAR and the obstacle is published.

7.6 The safety impact of the proposed structure due to the degraded aircraft performance operations is not in the scope of this study.”

4. Learned counsel for the respondent No.1 has stated that in relation to the construction, top level elevation of 457.26m above mean sea level is permitted and, therefore, the respondent No.1 has undertaken the demolition of rest of the structure.

5. In view of the aforesaid, the appeal stands disposed of.

6. At this juncture, learned counsel for the respondent No.1 has stated that the appellant may be directed to give the no objection certificate to use the structure which stands as on today after the demolition. For the said purpose, an appropriate application may be moved by the respondent No.1 to the appropriate authority, which shall be considered and decided within 10 days from the date such application is received.



7. We further provide that any further construction will be permissible to be undertaken by the respondent No.1 only in terms of the permission, which may be accorded to by the Appellate Committee.

8. In case any such application is moved seeking permission of the Appellate Committee, such request shall be decided within 04 weeks from the date such application is received.

9. We may further observe that this appeal is being disposed of leaving the question of law open to be considered in some appropriate matter and further that the judgment under challenge herein has been referred in the peculiar facts and circumstances of the case.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MARCH 24, 2026

N.Khanna