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

+ **CONT.CAS(C) 1088/2024**

COURT ON ITS OWN MOTION

.....Petitioner

Through:

versus

AJAY SINGH AND ORS

.....Respondents

Through:

Mr Amit Sibal, Sr. Advocate with Mr K. R. Sasiprabhu, Mr Kartikeya Asthama, Mr Vinamra Kopihara and Mr Dapan Sachdeva, Advocates for Spice Jet.

Mr Sudhanshu Batra, Sr. Advocate with Mr Ankur Mahindro, Mr Rohan Taneja and Mr Aditya Kapur, Advocates for TWC Aviation.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE AMIT BANSAL

ORDER

19.07.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. Pursuant to the order dated 09.07.2024, Mr Amit Sibal, learned senior counsel, who appears on behalf of the respondent, submits that the subject engines, i.e., three in number, and the two aircraft frames are available for inspection and formal physical possession by representatives of TWC Aviation Capital Ltd. [in short, "TWC"].

1.1 Mr Sibal has also drawn our attention to an affidavit dated 18.07.2024 filed in response to the notice issued by us.

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2. Mr Sudhanshu Batra, learned senior counsel, who appears on behalf of TWC, says that there is part-compliance since technical records and replacement parts concerning the subject aircraft(s) have not been, entirely, handed over.

2.1 In support of this plea, Mr Batra has handed over a compilation which, *inter alia*, includes emails exchanged between SpiceJet Ltd. [in short, “SpiceJet”] and TWC.

3. *Prima facie*, there appears to be weight in Mr Batra’s submission.

3.1 We would like Mr Batra to file an affidavit-in-reply so that the hardcopy of the compilation which has been placed before us is included in the record.

3.2 Leave is also given to the respondents/SpiceJet to file a rejoinder to the affidavit-in-reply.

4. Since Mr Sibal submitted that the inspection of the subject aircraft(s) has not taken place, TWC will depute its representative to carry out the inspection.

4.1 SpiceJet will facilitate the inspection by obtaining passes for the representatives of TWC from the concerned authority.

5. We would, once again, urge Mr Sibal to advise his clients to return technical records and the replacement parts in entirety, if the same has not been done as yet.

6. List the matter on 29.07.2024.

7. Parties agree that inspection will take place at the concerned airports on 24.07.2024, at 11.00 A.M.



8. TWC will furnish the names of its representatives to SpiceJet by 11.00 A.M., on 20.07.2024.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JULY 19, 2024 / tr

[Click here to check corrigendum, if any](#)

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