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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 17238/2022

M/S DELMOS AVIATION PRIVATE LIMITED Petitioner

Through: Mr. Amol Sinha, Mr. Anshum Jain
and Mr. Kshitiz Garg, Advocates (M:
9891489740).

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Varun Mishra, SPC with Mr.
Rishab Joshi, Advocate and Mr.
Vedansh Anand GP.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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17.01.2023

1. This hearing has been done through hybrid mode.
2. The Petitioner – M/s Delmos Aviation Private Limited has filed the present petition challenging the impugned order dated 27th September 2022 passed by the Respondent No.1 – Union of India, Ministry of Civil Aviation thereby upholding the order dated 14th October, 2021 passed by the Respondent No.2 - Bureau of Civil Aviation Security, rejecting the security clearance of the Petitioner.
3. The Petitioner is stated to be a Cargo General Sales & Service Agent for Aeroflot-Russian Airlines at IGI Airport, New Delhi through a contract dated 27th November 2009. The Petitioner obtained a security clearance for the same.
4. On 14th October, 2021, the Respondent No.2 sent a letter to the Petitioner stating that:



“I am directed to inform you that on account of adverse reports from security point of view, Security Clearance of M/s Delmas Aviation Private Limited, Delhi is regretted.”

5. An appeal was filed by the Petitioner before the Respondent No.1 under Rule 4 of the Aircraft (Security) Rule, 2011. Upon not being granted a hearing, the Petitioner was constrained the Petitioner to file **W.P.(C) 12671/2022** titled **M/s Delmos Aviation Pvt. Ltd. v. Union of India & Anr.** seeking hearing in the said appeal.
6. In the meantime, a notice was received by the Petitioner fixing the hearing before the Respondent No.1. After hearing, vide impugned order dated 27th September, 2022 passed by the Respondent No.1, the withdrawal of security clearance of the Petitioner was confirmed.
7. Ld. counsel for the Petitioner submits that the withdrawal of security clearance was done without any show cause notice or any reply being sought from the Petitioner.
8. Ld. Counsel for the Respondents submits that the Petitioner is guilty of concealing a criminal case which was pending against one of the Directors of the Petitioner. He submits that he is willing to produce material which was considered by the Respondents for rejecting the security clearance of the Petitioner, in a sealed cover.
9. Let the said material be produced in a sealed cover on the next date of hearing. In the meantime, Respondent shall file a counter affidavit within six weeks. Rejoinder, if any, be filed within four weeks.
10. List on 21st July, 2023.

PRATHIBA M. SINGH, J.

JANUARY 17, 2023/MR/kt