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

+ **W.P.(C) 8809/2018 & CM APPLs.1318-19/2022**

AIR INDIA LTD.

..... Petitioner

Through: Ms. Shreya Sethi, Advocate.
versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. P.S. Singh, Advocate.
Mr. Rajesh Mahindru, Advocate for
R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **10.01.2022**

1. This hearing has been done through video conferencing.

CM APPL. 1319/2022 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CM APPL. 1318/2022

3. This is an application on behalf of the Petitioner Air India Limited (*hereinafter "Petitioner"*) seeking to place on record the demand draft for the sum of Rs. 32,45,677/- (Rupees Thirty Two Lakhs Fourty five Thousand Six hundred and Seventy Seven only) which is stated to be in compliance with the order dated 6th September, 2019 passed by this Court. Vide the said order, stay of the impugned award was granted subject to deposit of the entire awarded amount by the Petitioner with the Registrar General of this Court. Since the awarded amount was not deposited by the Petitioner, the stay was vacated by this Court vide a subsequent order dated 17th February, 2021.

4. Mr. Mahendru, Id. Counsel for the Respondent No.2, who appears on



advance notice, submits that recovery proceedings for more than Rs.1 crore have already been initiated against the Petitioner, in pursuance of the award. Moreover, the amount which is sought to be deposited by the Petitioner is also not calculated properly as only Rs.32,45,677/- is sought to be deposited when the entire amount was directed to be deposited vide order dated 6th September 2019 passed by this Court. Furthermore, he submits that there is no mention in the application by the Petitioner that recovery proceedings for more than Rs.1 crore have already been initiated against the Petitioner and that their bank account is also being sought to be attached by the SDM in the said recovery proceeding.

5. In view of the submissions made by the Respondent No.2 this Court *prima facie* is of the opinion that, the application is bereft of material particulars. It also appears that the proper calculation of the awarded amount has not been done. There ought to have been a disclosure that recovery proceedings have been initiated and a recovery certificate has already been issued. Moreover, it is notice that the date of the demand draft which is sought to be placed on record is 30th November 2021. It is inexplicable as to why the application is filed with so much delay. The recovery certificate has also not been placed on record. Accordingly, the application is adjourned.

6. List on 2nd May, 2022 along with the main petition **WP(C) 8809/2018**. In the meantime, the Petitioner is granted liberty to deposit the entire amount as per the impugned award along with the calculation sheet wherein the amount is calculated after considering all the particulars.

PRATHIBA M. SINGH, J.

JANUARY 10, 2022

Rahul/SK