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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2025

Coram:

THE HON'BLE MR. JUSTICE D.BHARTHA CHAKRAVARTHY

W.P.No.7080 of 2025
and W.M.P.No.7820 of 2025

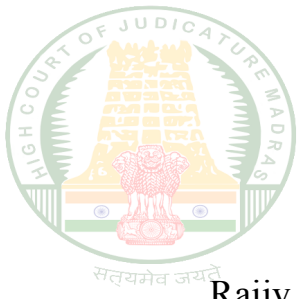
M/s.Able Aviation (India) Private Limited,
A Company incorporated under
the Companies Act, 1956
Having its office at :Shop No.4,
Ground Floor, Majfa Complex,
121, Thambu Chetty Street,
Chennai -600 001, Tamil Nadu,
and Registered Office at: MB-210,
Behind Old Income Tax Office,
Shadipur, Port Blair, Andaman
and Nicobar Islands -744106
represented by its Director
and Authorised Signatory,
Mr. M Nadeem Siddiqui,

.. Petitioner

/versus/

1. Union of India through
the Secretary, Ministry of Civil Aviation,
Rajiv Gandhi Bhawan,
Safdarjung Airport, New Delhi – 110030.

2.The Chairman,
Airports Authority of India,



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Rajiv Gandhi Bhawan,
Sadarjung Airport,
New Delhi — 110003
Also at:ATS Complex, Chennai Airport,
Chennai -600 027.

3. The Executive Director (Operations)
Airports Authority of India,
Rajiv Gandhi Bhawan,
Sadarjung Airport, New Delhi- 110003.

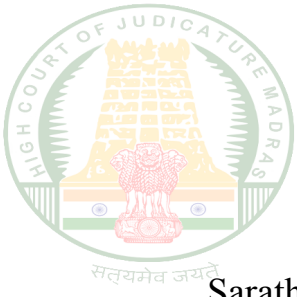
4. Director General of Civil Aviation,
Aurobindo Marg, Opposite Safdargunj Airport,
New Delhi - 110003

5. The Airport Director,
Airport Authority of India,
Veer Savarkar International Airport,
Lamba Line, Port Blair,
Andaman and Nicobar Islands - 744103.

6. The Director General,
Bureau of Civil Aviation Security,
“A” Wing, I — 111 Floors,
Janpath Bhawan, New Delhi - 110001.

7. Rep. by Managing Director,
M/s Sumathi Corporate Service Pvt.Ltd.,
Surya Tower, 1st Floor, F Block, 105,
Sardar Patel Road, Secunderabad,
Telangana 500 003.

8. Rep. by it Authorised Signatories,
M/s Bright Shine Services, No. 2, 1st Floor,



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Sarathy Street, Opposite Railway Station,
Behind CSI Church, Pallavaram, Chennai,
Tamil Nadu - 600043.

9.Rep.by Managing Director,
M/s Sumathi Bright Shine Airport Services Pvt.Ltd.,
A Company incorporated under the Companies Act, 2013,
Having its Registered Office at Flat No 1, Snehalayam,
Citizen Colony, Lambaline, Ward No 9, Port Blair,
Andaman and Nicobar Islands - 744 103. .. Respondents

For Petitioner :Mr.M.J.Jaseem Mohamed

For R2 And R3 :Mr.R.Aravind

ORDER

Issue notice of motion returnable by 03.04.2025. Private notice to respondents is also permitted.

2. The writ petition is filed challenging the impugned letter of intent and the consequent concession agreement and also for a consequential prayer to re-tender the Ground Handling Services.



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3. Firstly, this Court entertained a doubt as to the territorial jurisdiction. The learned counsel appearing for the petitioner contends that the tender document was originally issued common to all the Airports, which includes the Airport in Tamil Nadu. Therefore, a batch of writ petitions came to be filed before this Court in W.P.No.9942 of 2020 etc., in which, even while dismissing the writ petition, this Court has directed the obtaining of a “no due certificate” as mandatory. The said condition was imposed as part of the tender document. Even the timeline granted in the tender document is substantially under challenge in the present writ petition. The learned counsel also sought an interim order.

4. In view of the doubt entertained regarding the territorial jurisdiction and also with reference to the verification of the fact as to whether the party respondents Nos. 7 to 9 have obtained “No Due Certificate” or not in order to avoid the grant of an ex parte interim order. Notice was ordered to the official respondents No.2 and 3. The learned

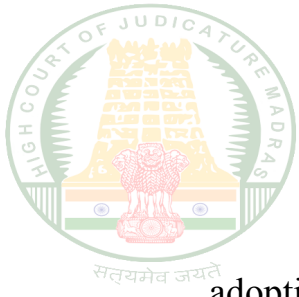


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counsel took notice and sought for time.

5. Accordingly, when the matter came up for admission on 26.02.2025, the matter was called under the caption “for Adjourned Admission” on 28.02.2025. On 28.02.2025, once again the learned counsel appearing on behalf of the respondents sought for adjournment on 04.03.2025. Even though, originally the matter was adjourned to 04.03.2025, the matter could not be taken up and since the matter did not reach on that day, it was adjourned to 12.03.2025. The learned counsel mentioned the matter and therefore, the matter was listed today in the cause list. The name of the counsel for the respondents also printed in the cause list. The learned counsel also absent in the morning and also in the afternoon session.

6. In view of the submissions, that are made by the learned counsel for the petitioner, that the concessions are being given in favour of the respondents 7 to 9 without even producing the no due certificate and by



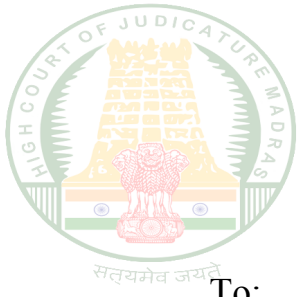
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adopting an incorrect timeline, let there be an interim order to the effect that the concession that is granted or any further action that is taken by the respondents will be subject to the ultimate orders in the writ petition.

7. Call the matter on 03.04.2025.

07.03.2025

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1. Union of India through
the Secretary, Ministry of Civil Aviation,
Rajiv Gandhi Bhawan,
Safdarjung Airport, New Delhi – 110030.

2. The Chairman,
Airports Authority of India,
Rajiv Gandhi Bhawan,
Sadarjung Airport,
New Delhi — 110003
Also at: ATS Complex, Chennai Airport,
Chennai -600 027.

3. The Executive Director (Operations)
Airports Authority of India,
Rajiv Gandhi Bhawan,
Sadarjung Airport, New Delhi- 110003.

4. Director General of Civil Aviation,
Aurobindo Marg, Opposite Safdarjung Airport,
New Delhi - 110003

5. The Airport Director,
Airport Authority of India,
Veer Savarkar International Airport,
Lamba Line, Port Blair,
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6. The Director General,
Bureau of Civil Aviation Security,
“A” Wing, I — 111 Floors,
Janpath Bhawan, New Delhi - 110001.



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7.Rep.by Managing Director,
M/s Sumathi Corporate Service Pvt.Ltd.,
Surya Tower, 1st Floor, F Block, 105,
Sardar Patel Road, Secunderabad,
Telangana 500 003.

8.Rep.by it Authorised Signatories,
M/s Bright Shine Services, No. 2,1st Floor,
Sarathy Street, Opposite Railway Station,
Behind CSI Church, Pallavaram, Chennai,
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