



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 7080 of 2025

and

WMP Nos.7818,7820 and 31411 of 2025

M/s.Able Aviation (India) Private Ltd
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, Tamilnadu,
and Registered Office at MB-210, Behind Old
Income Tax Office, Shadipur, Port Blair,
Andaman And Nicobar Islands-744 106
Rep. by its Director and Authorised Signatory,
Mr.M.Nadeem Siddiqui

..Petitioner(s)

Vs

1. Union of India
Through the Secretary,
Ministry of Civil Aviation,
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi-110 030
2. The Chairman
Airports Authority of India,
Rajiv Gandhi Bhawan,
Sadarjung Airport,
New Delhi-110 003
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-110 003
4. Director General of Civil Aviation
Aurobindo Marg,
Opposite Safdargunj Airport,
New Delhi-110 003
5. The Airport Director
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-III Floors,
Janapath Bhawan,
New Delhi-110 001
7. M/s.Sumathi Corporate Services Pvt Ltd,
Rep. by Managing Director
Surya Tower, 1st Floor, F Block, 105,
Sardar Patel Road, Secunderabad,
Telangana-500 003
8. M/s.Bright Shine Services,
Rep. by its Authorised Signature
No.2, 1st Floor, Sarathy Street,
Opposite Railway Station,
Behind CSI Church,
Pallavaram, Chennai,
Tamilnadu-600 043



9. M/s.Sumathi Bright Shine Airport Services Pvt
Ltd, A Company Incorporated Under The
Companies Act 213, Rep By Managing Director
Having its Registered Office at Flat No.1,
Snehalayam, Citizen Colony, Lambaline,
Ward No.9, Port Blair,
Andaman and Nicobar Islands-744 103

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India to
issue a Writ of Certiorarified Mandamus, calling for the records on the file of
the 2nd and 5th respondents pertaining to the impugned Letter of Intent to
Award bearing Reference No.AAI/OPS/GHS/16/C/2020/322, dated 11.9.2021
(Doc.No.14) and the Consequent Concession Agreement dated 4.3.2024
(Doc.No15) issued by the Respondent No.2, and Respondent No.5 respectively
or any other order issued in favour of the consortium of Respondent Nos. 7 and
8 and to quash the same as illegal and improper and subsequently direct the
respondent Nos.2,3 and 5 to re-tender the Ground Handling services at the Veer
Savarkar International Airport, Port Blair.

For Petitioner(s): Mr.M.J.Jaseem Mohamed

For Respondents: M/s.V.Ashok Kumar, CGSC for R1
Ms.Arul Mary for R2, R3, R5
for M/s.Father Xavier Associates
No Appearance for R7 to R9
R4 & R6 _ Not ready in notice



ORDER

This petition has been filed challenging the impugned Letter of Intent to Award bearing Reference No.AAI/OPS/GHS/16/C/2020/322, dated 11.9.2021 (Doc.No.14) and the Consequent Concession Agreement dated 4.3.2024 (Doc.No15) issued by the Respondent No.2, and Respondent No.5 respectively or any other order issued in favour of the consortium of Respondent Nos. 7 and 8 and to quash the same as illegal and improper and also seeking a direction to the respondent Nos.2,3 and 5 to re-tender the Ground Handling services at the Veer Savarkar International Airport, Port Blair.

2.The case of the petitioner is that it is a company incorporated under the Companies Act, 1956, and has been providing Ground Handling Services at various airports, including Veer Savarkar International Airport, Port Blair, for over a decade. The company holds a valid No-Dues Certificate and Security Clearance necessary for its operations. On 15.04.2020, the Airports Authority of India (AAI) had issued a tender through an e-bid Invitation for ground handling services at various airports, including Port Blair. As per the tender conditions, all entities were mandatorily required to obtain a No-Dues Certificate from AAI before participating in the bidding process. Meanwhile, the 8th respondent filed W.P No.10873 of 2020 before this Court, seeking permission to participate in the bidding process without producing a No-Dues Certificate. On



14.08.2020, this Court passed an interim order allowing the 8th respondent to participate in the bid, subject to the condition that if it failed in the writ petition, it would be liable to pay the disputed amount. Thereafter, the respondents 7 and 9 failed to pursue the said writ petition. Meanwhile, on 11.09.2021, the Airports Authority of India issued a Letter of Intent to Award (LOIA) to the consortium of the respondents 7 and 8 (later incorporated as respondent No.9). The aforesaid LOIA explicitly stated that the award was subject to the outcome of W.P No.10873 of 2020. Subsequently, the said writ petition was dismissed on 24.06.2024. In the interregnum, a Concession Agreement dated 04.03.2024 was executed in favour of the respondent No.9, in violation of the conditions of the LOIA. As of February 2025, despite the lapse of 44 months since the issuance of the LOIA, the respondent No.9 has neither obtained a No-Dues Certificate nor commenced ground handling services for scheduled airlines at Port Blair Airport. On this sole ground, the present writ petition has been filed seeking cancellation of the aforesaid LOIA and Concession Agreement, and a direction to re-tender the ground handling Services at Port Blair Airport.

3.The learned counsel for the petitioner would submit that, admittedly, the petitioner did not participate in the e-tender on 15.04.2020. However, even a person who has not participated in the e-tender can challenge the Letter of Intent issued in favour of an unqualified party before this Court. Therefore, the

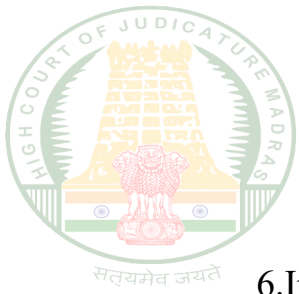


present writ petition has been filed. Accordingly, he prayed for appropriate orders.

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4.Per contra, the learned counsel appearing for the 1st respondent would submit that an e-bid tender was admittedly issued on 15.04.2020 for providing ground handling services at Veer Savarkar International Airport, Port Blair, The petitioner has territorial jurisdiction only before the Circuit Bench at Port Blair of the Calcutta High Court. Earlier, a batch of writ petitions was filed before this Court in W.P No.9942 of 2022 with regard to No-Dues Certificate insisting under the notification. This Court, by its order dated 24.06.2024, held that No Due Certificate is mandatory and dismissed all the writ petitions. Upon being satisfied with the eligibility of the private respondents, the Letter of Intent was issued in their favour. The petitioner is not an aggrieved person to challenge the Letter of Intent issued in favour of the private respondents. Since the petitioner did not participate in the e-tender, a non participant is not entitled to challenge the Letter of Intent issued in favour of the successful bidders.. Accordingly, he prayed for dismissal of the present writ petition.

5.Heard the learned counsel on either side and perused the materials available on record.



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6. In view of the earlier findings of this Court in the connected batch of writ petitions, wherein it has been held that the requirement of a No-Dues Certificate is mandatory, and considering that the petitioner did not participate in the tender process, this Court is of the view that the petitioner lacks locus standi to challenge the Letter of Intent issued in favour of the successful bidders. No infirmity is found in the impugned Letter of Intent or the consequential Concession Agreement warranting interference under Article 226 of the Constitution of India.

7. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

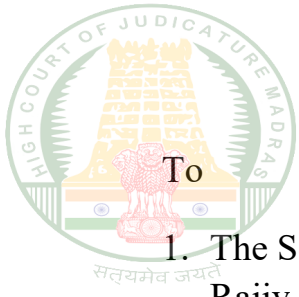
08-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Secretary, Ministry of Civil Aviation,
Rajiv Gandhi Bhawan, Safdargunj Airport,
New Delhi-110 030
2. The Chairman
Airports Authority of India,
Rajiv Gandhi Bhawan,
Sadarjung Airport,
New Delhi-110 003 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-110 003
4. Director General of Civil Aviation
Aurobindo Marg, Opposite Safdargunj Airport,
New Delhi-110 003
5. The Airport Director
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-iii Floors, Janapath Bhawan,
New Delhi-110 001



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WP No. 7080 of 2



M.DHANDAPANI, J.

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