

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Miscellaneous Appeal No. 2537/2022

Indo Thai Airport Management Services Pvt. Ltd.,

----Appellant

Versus

Airport Authority Of India

----Respondent

For Appellant(s) : Mr. N.K. Maloo, Sr. Advocate with Mr.
Vishnu Bohra, Advocate

For Respondent(s) : Ms. Sukriti Kasliwal, Advocate

HON'BLE MR. JUSTICE PRAKASH GUPTA

Order

31/10/2022

Matter comes up on application no. 1/2022 filed by the appellant.

Learned Sr. Counsel for the appellant submits that pursuant to the order dated 30.9.2022 passed by this Court, the appellant has deposited Rs. 1,86,17,796.50/- in the bank account of the respondent. He further submits that equipments, as mentioned in the list (Annex.-16), are in custody of the respondent for about past 15 months and the quality of the equipments is getting deteriorated. He has prayed to release the aforesaid equipments to the appellant.

Learned counsel for the respondent submits that as on date, an amount of Rs. 2,82,18,704/- is due towards the appellant. As per contract, the respondent is entitled to the said amount. Unless the entire amount is paid / deposited by the appellant, the appellant is not entitled to get the aforesaid equipments released.

Learned counsel for the appellant submits that there was no prayer for any mesne profit or interest in the claim petition. Despite that the Eviction Officer has granted relief beyond the prayers made in the claim petition.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the facts and circumstances of the case, it is ordered that on furnishing a solvent security of Rs. 50,00,000/- to the satisfaction of the Registrar (Judicial) of this Court and additionally on furnishing a personal undertaking for rest of the due amount by the appellant with the Eviction Officer, Airports Authority of India, Jaipur International Airport, Jaipur, within a month from today to the effect that if ultimately the appeal is dismissed, the appellant would comply with the order dated 22.9.2022 passed by the Eviction Officer, Airports Authority of India, Jaipur International Airport, Jaipur, the equipments as mentioned in the list (Annex.16) shall be released by the respondent to the appellant.

The application No. 1/2022 stands disposed of accordingly.

सत्यमेव जयते (PRAKASH GUPTA),J