

07.07.2025
Item No. 21
Court No.01
Arsad(AR(CR))

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

**FMAT/10/2024
CAN/1/2025, CAN/2/2025**

**M/S. ACCORD ADVERTISING PVT. LTD
VS
AIRPORTS AUTHORITY OF INDIA, BAGDOGRA
AIRPORT**

Mr. Rajdeep Das,
.... For the appellant.

Mr. Ajoy Kumar Singhania,
.... For the respondent.

This appeal is directed against an order dated 3 June, 2024 seeking outstanding occupational charges under a Concession Agreement dated 15 September, 2017 inclusive of interests.

The appeal as filed has been kept defective. There is no certified copy of the impugned order which has been filed till date. There is also an issue of maintainability whether the appellant has an alternative and efficacious remedy and an appeal under section 28K of the Airports Authority of India Act, 1994 is available or not.

Pursuant to the order dated 30 June, 2025, the respondent authority has filed a Report. It appears from the report that despite there being no embargo nor stay, the respondent authority has, in their wisdom, chosen not to file any

application for enforcement of the order dated 3 June, 2024.

It is obvious that the respondent Airport Authority has been recalcitrant and indolent in seeking the outstanding dues from this appellant. It is also submitted on behalf of the respondent that the dues payable by the appellant are far excess of Rs. 5 crores till date. It is contended on behalf of the respondent that administrative decision from his client is that “try to dispose of the appeal and connected application as expeditiously as possible”.

Admittedly, there is no stay, nor embargo of any kind whatsoever in the appellant authority filing an application for execution for recovery of the dues under the order dated 3 June, 2024.

It is a trite law that mere pendency of an application or an appeal does not act as a stay or embargo in the respondents from proceeding in accordance with law to seek enforcement of the order.

In view of the above, let this matter appear on 10 July, 2025 for compliance.

In the meantime, the respondent authority is directed to file an appropriate application for enforcement of the order dated 3 June, 2024 in accordance with law.

The pendency of this appeal will not create any equity in favour of the appellant before any fora whatsoever.

In the meantime, without prejudice to their rights, the appellant is directed to take instructions as to the mode and manner whereby they can secure the outstanding dues payable to the respondent authority under the order dated 3 June, 2024.

(RAVI KRISHAN KAPUR, J.)

(MD. SHABBAR RASHIDI, J.)