



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

% *Judgment Reserved on: 18.02.2026*  
*Judgment Delivered on: 23.05.2026*

+ **LPA 76/2026, CM APPL. 11108/2026, CM APPL. 11109/2026,**  
**CM APPL. 11110/2026 & CM APPL. 11111/2026**

**NIVEDITA SHARMA AND ANR.** .....Appellants

versus

**MINISTRY OF CIVIL AVIATION & ORS.** .....Respondents

**Advocates who appeared in this case**

For the Appellants : Mr. Parth Kaushik, Advocate with  
Ms. Nivedita Sharma, Advocate /  
Appellant-in-person.

For the Respondents : Ms. Anjana Gosain & Mr. Adhiraj Singh,  
Advocates for R-1&2.

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE TEJAS KARIA**

**JUDGMENT**

**TEJAS KARIA, J**

1. The present *intra court* Appeal has been filed by the Appellants assailing the orders dated 08.04.2025, 08.07.2025 and 22.12.2025 (“**Impugned Orders**”) passed by the learned Single Judge in W.P.(C) No. 4844/2021 (“**Writ Petition**”).



## **FACTUAL MATRIX**

2. The Appellants travelled from New Delhi to San Francisco on 11.11.2020 on Air India Flight AI-173 in Business Class and returned on 14.01.2021 by Air India Flight AI-174. The Appellants allege that, on the outbound flight of approximately sixteen hours, Respondent No. 3, without any prior intimation, served only one hot meal and limited pre-packed snacks, notwithstanding the Appellants' prior disclosure of diabetes and hypertension and their consequent requirement for timely meals and medication. It is further alleged that the quality and quantity of food served were grossly inadequate for a long-haul international flight, and that no advance notice of the reduced meal service was furnished to the Appellants.

3. As per the Appellants' case, after consuming the meal served by Respondent No. 3, Appellant No. 1 suffered food poisoning, dehydration, and weakness; however, adequate medical assistance was not provided to Appellant No. 1 by Respondent No. 3.

4. It is further alleged that Appellant No. 1 suffered repeated hypoglycaemic episodes during the course of the journey and was compelled to consume sugar and sweetened beverages. The Appellants also allege that the cabin crew failed to recognise or manage the hypoglycaemic episodes, thereby evincing a lack of adequate training.

5. Thereafter, the Appellants instituted the Writ Petition before this Court, *inter alia*, seeking directions to the Respondents to constitute an independent committee to review the quality and quantity of food served to passengers on the flight.



6. The learned Single Judge after recording a *prima facie* view that the Appellants had suffered serious inconvenience and directed Respondent No. 3/Air India and Respondent No. 2/DGCA to file their responses and treated the matter as involving broader systemic regulatory concerns.

7. In the Counter-Affidavit dated 26.08.2021 filed on behalf of Respondent No. 3/Air India, the maintainability of the Writ Petition was challenged on the ground that the Appellants had an equally efficacious alternative remedy of filing of a complaint on the 'AirSewa' portal being a grievance redressal mechanism for airline passengers.

8. In the Counter-Affidavit dated 24.01.2022 filed on behalf of Respondent No. 2/DGCA, it was contended that DGCA had, *vide* order dated 26.05.2020, issued certain Guidelines/Standard Operating Protocols (SOPs) to be followed by airlines and passengers in the context of the then prevailing circumstances arising out of the COVID-19 pandemic. It was further pointed out that multiple online grievance redressal portals, including CPGRAMS, PMO (PG), and Air Sewa, were available, and that the Appellants could also lodge their complaint through email.

9. *Vide* Impugned Order dated 08.04.2025, the learned Single Judge disposed of the Writ Petition, taking note of the necessity of providing appropriate redressal of the grievances raised by the Appellants, and directed Respondent No. 1/Ministry of Civil Aviation to treat the Writ Petition itself as a complaint/grievance to be duly considered and dealt with in accordance with law, under written intimation to the Appellants.

10. The Appellants filed CM APPL. 39493/2025 seeking recall of Impugned Order dated 08.04.2025 on the ground that the directions



contained therein had not been complied with. During the hearing of the said application held on 08.07.2025, learned counsel appearing for Respondent No. 2/DGCA submitted that, pursuant to the Impugned Order dated 08.04.2025, Respondent No. 3/Air India had been called upon to furnish its reply, which had been duly received. It was further submitted that Respondent No. 2/DGCA was in the process of examining the complaint/grievance raised by the Appellants and that the said exercise would be completed within a period of six weeks. Accordingly, the said application was disposed of by recording the statement made on behalf of Respondent No. 2/DGCA and observing that no case for recall of the Impugned Order dated 08.04.2025 was made out.

11. The Appellants has contended that pursuant to the Impugned Order dated 08.04.2025, Appellant No. 1 received a call on 30.07.2025 from Mr. Vijay Kumar Sahu, Deputy Director, DGCA, consequent whereupon a meeting was held through video conferencing on 01.08.2025. During the said meeting, Appellant No. 1 objected to Respondent No. 2/DGCA undertaking the grievance redressal exercise, on the ground that this Court had directed Respondent No. 1/Ministry of Civil Aviation to consider the matter and that DGCA itself was arrayed as a respondent in the Writ Petition. Although DGCA is stated to have asserted that it was acting under the authority of the Ministry of Civil Aviation, no communication to that effect was furnished to Appellant No. 1. Without prejudice to the aforesaid objection, Appellant No. 1 participated in the meeting, during the course of which, DGCA, for the first time, disclosed a letter dated 13.05.2025 issued by Respondent No. 3/Air India. Appellant No. 1 objected to the said letter



being taken into consideration at that stage, contending that the grievance redressal exercise ought to remain confined to the pleadings and affidavits already forming part of the record in the Writ Petition. The Appellants have further contended that during the said hearing before Respondent No. 2 / DGCA, the representatives of Respondent No. 3/Air India largely remained silent and the hearing concluded with an assurance that a further meeting would be convened and that the minutes would be shared. However, neither of the said assurances was acted upon. Thereafter, Respondent No. 2 / DGCA sought the Appellants' response *vide* email dated 01.09.2025, to which the Appellants responded on 09.09.2025. Despite the same, Respondent No. 2/DGCA did not pass any order.

12. Subsequently, the Appellants filed CM APPL. 75773/2025 seeking recall of the Impugned Order dated 08.07.2025. *Vide* the Impugned Order dated 22.12.2025, the said application was dismissed while observing that if the Appellants were aggrieved by any alleged non-compliance with the directions contained in the Impugned Order dated 08.07.2025, or if the Appellants sought to assail the outcome of the exercise undertaken pursuant thereto, the Appellants would be at liberty to avail appropriate remedies in accordance with law, which had already been expressly reserved in the Impugned Order dated 08.07.2025. It was further directed that should the exercise contemplated by the Impugned Order dated 08.07.2025 not be concluded, Respondent No. 2 shall take steps to expeditiously conclude the same under intimation to the Appellants.

13. Being aggrieved by the Impugned Orders passed in the Writ Petition, the Appellants have preferred the present Appeal.



## **SUBMISSIONS ON BEHALF OF THE APPELLANTS**

14. The learned Counsel for the Appellants advanced the following submissions:

- 14.1. It was submitted that the learned Single Judge erred in declining to adjudicate the Writ Petition on merits. *Vide* order dated 12.09.2022, the learned Single Judge expressly directed Respondent No. 3 to comply with the earlier order dated 26.04.2022 and, therefore, having exercised jurisdiction in the matter, the learned Single Judge ought to have proceeded to decide the issues arising in the Writ Petition on merits.
- 14.2. It was further submitted that relegating the matter to Respondent No. 1, and thereafter to the grievance redressal mechanism of Respondent No. 2, despite serious allegations having been levelled against Respondent No. 2 itself, is contrary to the principles of natural justice.
- 14.3. It was contended that, notwithstanding the explicit directions contained in the Impugned Order dated 08.04.2025 relegating the matter to Respondent No. 1, the grievance redressal exercise was in fact undertaken by Respondent No. 2, which was itself a party against whom serious allegations had been raised.
- 14.4. It was submitted that the Impugned Orders have occasioned grave miscarriage of justice inasmuch as, despite the lapse of considerable time, no order came to be passed by Respondent No. 2 pursuant to the directions issued thereunder.



- 14.5. It was further submitted that, despite the specific directions issued *vide* the Impugned Order dated 08.04.2025, the Respondents failed to pass any speaking or reasoned order, notwithstanding repeated opportunities having been afforded for the same.
- 14.6. It is also submitted that the learned Single Judge failed to consider the grounds urged by the Appellants in the recall applications, being CM APPLs. 39493/2025 and 75773/2025 and dismissed the same on technical grounds without examining the substantive contentions raised therein.
- 14.7. In view of the aforesaid submissions, it is prayed that the present Appeal be allowed and the Impugned Orders be set aside.

#### **SUBMISSIONS ON BEHALF OF THE RESPONDENTS**

15. The learned Counsel appearing for Respondent Nos. 1 and 2 submitted that multiple grievance redressal portals are available for lodging complaints of the nature raised by the Appellants. It was further submitted that, since no grievance against Respondent No. 3 had been raised by the Appellants before Respondent Nos. 1 and 2, no occasion had arisen for the said Respondents to conduct any inquiry into the matter or to take steps towards its resolution. It was, therefore, contended that the learned Single Judge committed no error in directing Respondent No. 1 to treat the Writ Petition as a complaint/grievance and to take such action thereon as may be warranted in accordance with law.
16. In view of the foregoing submission, it is prayed that the present Appeal be dismissed.



## ANALYSIS AND FINDINGS

17. Heard the learned Counsel for the Parties and perused the material placed on record.

18. By way of the present Appeal, the Appellants assail the Impugned Orders whereby the Writ Petition came to be disposed of with a direction to Respondent No. 1/Ministry of Civil Aviation and Respondent No. 2/DGCA to consider and decide the grievance raised by the Appellants in the Writ Petition by treating the same as a complaint/grievance and by taking such action thereon as may be warranted in accordance with law, under written intimation to the Appellants.

19. The operative portion of Impugned Order dated 08.04.2025 is reproduced as under:

*“9. It is also averred in the counter-affidavit filed on behalf of respondent no.2 (DGCA) that there are a number of grievance redressal portals where grievances of the kind raised by the petitioner in the present petition can be agitated. In this regard, reference may be made to the averments made in paragraph 3 (xiv.) of the counter-affidavit which reads as under:-*

*“xiv. That the contents of para 3(xiv) are wrong and vehemently denied. It is denied that the Answering Respondent does not a proper mechanism in place for grievance redressal. It is submitted that there are a number of Grievance redressal portals which are online portals such as CPGRAMS, PMO (PG), Air Sewa and even the grievances are being received also through emails. Since the Petitioner did not raise any grievance against the Respondent No.3 to the answering Respondent, there was no opportunity for the answering respondent to conduct its own investigation and inquiry. The Ministry of Civil Aviation including the Answering Respondent receive a number of complaints*



*through all these portals and are being handled for redressal as per existing procedure and law.”*

*10. In view of the aforesaid, while taking note of the necessity to provide a proper redressal to the grievances raised by the petitioners, the present petition is disposed of with a direction to the respondent no.1 (Ministry of Civil Aviation) to consider the present petition itself as a complaint/grievance which may be duly considered and appropriate action thereon (as may be deemed warranted in accordance with law) under written intimation to the petitioner.*

*11. With the aforesaid direction, the present petition is disposed of.*

*12. Needless to say, in case the petitioners are aggrieved by the outcome of the aforesaid exercise, they shall be at liberty to avail appropriate remedies, as may be available under law.”*

20. As the Respondent Nos. 1 and 2 did not redress the grievance of the Appellants, the Appellants filed an application being CM APPL. 39493/2025 seeking recalling of the Impugned Orders dated 08.04.2025, which was decided *vide* Impugned Order dated 08.07.2025 as under:

*“3. Learned counsel for the respondent no. 2 / Directorate General of Civil Aviation (DGCA) submits that in fact, pursuant to the said order passed by this Court, replies were called from respondent no. 3 / Air India Limited which have been duly received. It is submitted that the DGCA is in the process for examination of the case concerning the complaint / grievance of the petitioners. It is further submitted that the copy of the said reply shall also be furnished to the petitioners, who shall be at liberty to file a written response of their own. It is assured and undertaken that the aforesaid exercise shall be completed within a period of six weeks from today.*

*4. In the above circumstances, there is no occasion for recalling the said order dated 08.04.2025 passed by this Court. The present application is accordingly disposed of, taking on record the*



*aforesaid statement of the learned counsel for the respondent no. 2 / DGCA.”*

21. Further, the Appellants filed CM APPL. 75773/2025 for recall of Impugned Order dated 08.07.2025, which was dismissed vide Impugned Order dated 22.12.2025 as under:

*“3. No ground is made out to recall the order dated 08.07.2025.*

*4. If the petitioner is aggrieved by any alleged non-compliance with the directions contained in the order dated 08.07.2025, or if the petitioner seeks to assail the outcome of the exercise undertaken pursuant thereto, the petitioner is at liberty to avail appropriate remedies in accordance with law. This liberty has already been expressly reserved in the order dated 08.07.2025 passed by this Court. In case the exercise as directed vide order dated 08.07.2025, remains inconcluded, let DGCA take steps to expeditiously conclude the same, under intimation to the petitioner.*

*5. In the circumstances, no merit is found in the present application; the same is dismissed accordingly.”*

22. At the outset, while we take note of the grievance urged by the Appellants and the necessity for its expeditious resolution, a perusal of the aforesaid Impugned Orders makes it clear that for the purpose of redressing the said grievance, Respondent No. 1 and/or Respondent No. 2 were directed to consider all issues raised in the Writ Petition by treating the same as a complaint and to take an appropriate decision thereon in accordance with law under intimation to the Appellants. It was further observed that, in the event the Appellants were aggrieved by the outcome of the decision taken by Respondent No. 1 and/or Respondent No. 2, they would be at liberty to avail of such remedies as may be available to them in law.



23. It appears that, pursuant to the Impugned Orders, a response was called for from Respondent No. 3/Air India, a hearing was held, and a written response was also submitted by the Appellants, however, despite that no effective redressal of the Appellants' grievance has yet been undertaken by Respondent Nos. 1 or 2 and, in the aforesaid circumstances, the present Appeal has come to be preferred.

24. The principal issue that arises for consideration in the present Appeal is whether the learned Single Judge erred in relegating the Appellants to Respondent Nos. 1 and 2 for consideration as a complaint/grievance, instead of itself adjudicating the same on merits.

25. It is settled law that, although the jurisdiction of this Court under Article 226 of the Constitution of India is not ousted by the availability of an alternative remedy, such jurisdiction is to be exercised sparingly. It is equally well-settled that, as a general rule, parties may be relegated to avail of the alternative remedy available to them in the appropriate cases.

26. It is the Appellants' contention that the learned Single Judge erred in relegating the matter to Respondent Nos. 1 and 2, as Writ Petition was entertained by issuing notice and directing the learned Counsel for Respondent No. 3 to seek instructions *vide* order dated 26.04.2022. According to the Appellants, once the jurisdiction of this Court under Article 226 of the Constitution of India had been invoked and exercised in the matter, the learned Single Judge was duty-bound to adjudicate the Writ Petition on merits.

27. The above submissions of the Appellants cannot be accepted as by merely issuing notice or directing the respondents to seek instructions, it



cannot be said that the Court had exercised the writ jurisdiction under Article 226 of Constitution of India. In *State of U.P. v. U.P. Rajya Khanij Vikas Nigam Sangharsh Samiti*, (2008) 12 SCC 675, the Hon'ble Supreme Court has held that a writ petition can be dismissed on the ground of alternative remedy even after it has been admitted and interim order has been passed. The relevant portion of the said decision is reproduced as under:

*“38. ....It has been so held even by this Court in several cases that even if alternative remedy is available, it cannot be held that a writ petition is not maintainable. In our judgment, however, it cannot be laid down as a proposition of law that once a petition is admitted, it could never be dismissed on the ground of alternative remedy. If such bald contention is upheld, even this Court cannot order dismissal of a writ petition which ought not to have been entertained by the High Court under Article 226 of the Constitution in view of availability of alternative and equally efficacious remedy to the aggrieved party, once the High Court has entertained a writ petition albeit wrongly and granted the relief to the petitioner.”*

28. In view of the above settled position of law, the Appellants' contention that, because this Court had entertained the Writ Petition and issued directions to the learned Counsel for Respondent No. 3 to take instructions, the learned Single Judge was bound to adjudicate the Writ Petition on merits, is not tenable as a writ jurisdiction may not be exercised on the ground of availability of an alternative remedy, notwithstanding that the petition had earlier been entertained and interim directions had been passed therein.

29. In *U.P. State Bridge Corpn. Ltd. v. U.P. Rajya Setu Nigam S. Karamchari Sangh*, (2004) 4 SCC 268, the Hon'ble Supreme Court has



held that the delay in deciding the writ petition by itself is not a sufficient ground to exercise the writ jurisdiction. The relevant portion of the said decision is extracted as under:

*“17. The only reason given by the High Court to finally dispose of the issues in its writ jurisdiction which appears to be sustainable, is the factor of delay, on the part of the High Court in disposing of the dispute. Doubtless the issue of alternative remedy should be raised and decided at the earliest opportunity so that a litigant is not prejudiced by the action of the Court since the objection is one in the nature of a demurrer. Nevertheless even when there has been such a delay where the issue raised requires the resolution of factual controversies, the High Court should not, even when there is a delay, short-circuit the process for effectively determining the facts. Indeed the factual controversies which have arisen in this case remain unresolved. They must be resolved in a manner which is just and fair to both the parties.....”*

30. In the present case, the Writ Petition remained pending since 2021 and came to be decided only *vide* the Impugned Order dated 08.04.2025. However, the pendency of the Writ Petition during that period does not preclude this Court from relegating the Appellants for availing alternative remedy, which is equally efficacious in nature. Moreover, the controversy raised in the Writ Petition entails disputed questions of fact, which this Court while exercising the writ jurisdiction will not be able to effectively adjudicated. Therefore, Respondent Nos. 1 and 2 being the regulators are better equipped to decide the grievance of the Appellant at first instance. Further, the liberty has been granted to the Appellant to take appropriate remedy which includes approaching this Court by way of filing fresh writ petition if the Appellants remain aggrieved by the decision taken by



Respondent Nos. 1 and 2 pursuant to the Impugned Orders passed in the Writ Petition.

31. In view of the aforesaid, we find no infirmity in the decision of the learned Single Judge to relegate the matter to Respondent Nos. 1 and 2 for redressal of the complaint/grievance raised by the Appellants in the Writ Petition.

32. Further, the apprehension expressed by the Appellants regarding an alleged violation of the principles of natural justice is, at this stage, premature. The rights and interests of the Appellants stand adequately safeguarded by the liberty reserved in their favour to avail of appropriate legal remedies, in the event Respondent Nos. 1 and 2 fail to adhere to the principles of natural justice. At this juncture, there is no basis to presume that the grievance redressal mechanism under Respondent Nos. 1 and 2 would be ineffective or inefficacious, particularly having regard to the fact that the said Respondents are the regulatory authorities governing the aviation sector.

33. Accordingly, no case has been made out by the Appellants, beyond a mere apprehension, to establish that the grievance redressal process before Respondent Nos. 1 and 2, in view of the allegations of regulatory failure, violates the principles of natural justice or does not guarantee fair procedure under Articles 14 and 21 of the Constitution of India.

34. As regards the Appellants' contention concerning the manner in which the recall applications came to be dismissed, we are of the view that no interference is warranted, inasmuch as the Impugned Orders, read cumulatively, adequately safeguard the rights and interests of the Appellants.



35. Accordingly, no case has been made out by the Appellants warranting interference with the Impugned Orders. While upholding the Impugned Orders, we direct that the grievance redressal exercise directed thereunder, if not already concluded, shall be completed expeditiously after taking into consideration the written replies submitted by the Appellants as well as Respondent No. 3/Air India, and a reasoned order shall be passed within a period of six weeks. We reiterate the liberty granted by the learned Single Judge that, in the event the Appellants remain aggrieved by the order to be passed by Respondent No. 1/Ministry of Civil Aviation and/or Respondent No. 2/DGCA, they shall be at liberty to avail of such remedies as may be available to them in accordance with law.

36. Accordingly, present Appeal stands disposed of in the aforesaid terms. Pending application(s), if any, stands disposed of.

37. There shall be no order as to costs.

**TEJAS KARIA, J**

**DEVENDRA KUMAR UPADHYAYA, CJ**

**MAY 23, 2026**

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