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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO(OS) (COMM) 102/2024

SPICEJET LIMITED

..... Appellant

Through: Mr Amit Sibal, Sr. Advocate with Mr
K.R.Sasiprabhu, Mr Kartikeya Asthana,
Mohd. Ilyas and Mr H. Kumar,
Advocates.

versus

TWC AVIATION CAPITAL LIMITED

..... Respondent

Through: Mr Dayan Krishnan, Sr. Advocate with
Mr Ravi Nath, Mr Ankur Mahindra, Mr
Rohan Taneja, Mr Ankesh Tripathi and
Mr Abhjit Mittel, Advocates.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE AMIT BANSAL

ORDER

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02.07.2024

[Physical Hearing/Hybrid Hearing (as per request)]

CM No.36215/2024 [*Application filed on behalf of the appellant seeking
extension of time*]

1. Issue notice.

1.1 Mr Rohan Taneja accepts notice on behalf of the non-
applicant/respondent.

2. With the consent of counsel for the parties, the application is taken up for
hearing and final disposal at this stage itself.

3. The substantive prayers made in the application read as follows:

*“(a) Pass an ad-interim ex-parte order directing extension of time
granted under its order dated 27.05.2024, only qua the return of the three
subject engines, by 3 (three) weeks, ending on July 08, 2024;*

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(b) Pass an interim order directing extension of time granted under order dated 27.05.2024, only qua the return of the three subject engines, by 3 (three) weeks, ending on July 08, 2024.”

4. Mr Amit Sibal, learned senior counsel, who appears on behalf of the applicant/appellant, concedes that there has been a violation of the directions contained in paragraph 7 of order dated 27.05.2024.

4.1 Paragraph 7 of the said order reads as follows:

“7. The appellant/defendant will hand over the subject aircraft frames, engines and technical records to the authorised representative of the respondent/plaintiff on or before 17.06.2024.”

5. A perusal of the aforementioned extract of the order dated 27.05.2024 would bring to the fore that the applicant/appellant had, in no uncertain terms, indicated to the Court that it will hand over the subject aircraft engines to the authorised representative of the non-applicant/respondent on or before 17.06.2024. Clearly, that date passed long ago.

6. Although Mr Sibal has made submissions with regard to the alternate arrangements, he says that the applicant/appellant will comply with the directions contained in paragraph 7 of the order dated 27.05.2024, on or before 08.07.2024.

7. In our view, the applicant/appellant is already in violation of our order dated 27.05.2024. Therefore, we are inclined to issue notice to the applicant/appellant as to why *suo motu* contempt proceedings ought not to be initiated against its directors and concerned officers.



7.1 However, we intend to give a leeway, which is, if the directions contained in paragraph 7 of order dated 27.05.2024 are complied with on or before 08.07.2024, the initiation of the contempt proceedings will not proceed further.

7.2 Furthermore, it is also made abundantly clear that in the event there is no compliance of the directions contained in paragraph 7 of the order dated 27.05.2024 on or before 08.07.2024, we will pass consequential directions involving grounding the aircrafts which carry the subject engines. This indication is given as Mr Dayan Krishnan, learned senior counsel, who appears on behalf of the non-applicant/respondent, makes a submission, which according to us has much weight, that the applicant/appellant cannot use its engine and earn revenue without recompensing the non-applicant/respondent.

8. Besides this, Mr Sibal, on instructions from Mr K.R. Sasiprabhu, says that the subject engines will be delivered wherever the airframes are available.

9. The above-captioned application is disposed of in the aforesaid terms.

9.1 The statement made by Mr Sibal is taken on record.

10. List the application for compliance on 09.07.2024.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JULY 2, 2024/ tr

[Click here to check corrigendum, if any](#)

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