$~20, 21, 29 to 34

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

\+ LPA 537/2023, CM APPL. 34411-34413/2023

GO AIRLINES INDIA LIMITED ..... Appellant

Through: Mr. Neeraj Kishan Kaul and Mr. Ramji Srinivasan, Senior Advocates with Mr. Diwakar Maheshwari, Mr. Vishnu Sriram, Ms. Pratiksha Mishra, Mr. Shreyas E., Mr. Yugam Taneja and Mr. Deepak Joshi, Advocates.

versus

SMBC AVIATION CAPITAL LIMITED & ORS. ..... Respondents

Through: Mr. Rajesh Gogna, CGSC with Ms. Avshreya Pratap Singh Rudy, Advocate for DGCA/UOI.
Mr. Dheeraj Nair, Ms. Vishrutyi Sahan and Mr. Angad Baxi, Advocates for Intervenor.
Mr. Arun Kathpalia, Senior Advocate with Mr. Vaijyanath Paliwal, Ms. Medha Sachdev, Ms. Riya Basu, Ms. Meghna Rajadhya, Mr. Rishabh Jaisani, Ms. Salnoni Kulkarni, Mr. Hari Lakhani, Mr. Ajay Kumar, Ms. Deeksha Gupta, Mr. Kshitij Wadhwa, Advocates for Lessor Pembroke.
Mr. Rajiv Nayar, Mr. Amit Sibal, Senior Advocates with Ms. Marylou Bilawala, Mr. Pranaya Goyal, Mr. Chiranjivi Sharma, Mr. Apoorva Kaushik, Ms. Neetika Sharma, Mr. Girish Shankar and Ms. Manjira, Ms. Vinamra Kopariha, Advocates for R-1 to 5.

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Mr. Chetan Sharma, ASC with
Mr. Apoorva Kurup, CGSC with
Ms Apoorva Jha and Mr. Akhil
Hasija, Advocates for UOI.

\+ LPA 538/2023, CAV 333/2023, CM APPL. 34414-34416/2023

GO AIRLINES INDIA LIMITED ..... Appellant

Through: Mr. Neeraj Kishan Kaul and Mr. Ramji Srinivasan, Senior Advocates with Mr. Diwakar Maheshwari, Mr. Vishnu Sriram, Ms. Pratiksha Mishra, Mr. Shreyas E., Mr. Yugam Taneja and Mr. Deepak Joshi, Advocates.

versus

ACCIPITER INVESTMENTS AIRCRAFT 2 LIMITED AND ANOTHER ..... Respondents

Through: Mr. Dayan Krishnan, Senior Advocate with Mr. Ankur Mahindru, Mr. Ravi Nath, Mr. Rohan Taneja, Mr. Aditya Kapur, Mr. Mehul Jain and Mr. Ankit Garg, Advocates for R-1.

Ms. Anjana Gosain, SPC with
Ms. Avshreya Pratap Singh Rudy,
Ms. Nippun Sharma and Ms. Hetika Vadhera, Advocates for DGCA with
Mr. Amit Teotia, Dy. Director (Legal) and Mr. Vivek Puri, Dy. DG Director (Airworthiness).

Mr. Dheeraj Nair, Ms. Vishrutyi Sahan and Mr. Angad Baxi, Advocates for Intervenor.

Mr. Chetan Sharma, ASC with
Mr. Apoorva Kurup, CGSC with
Ms Apoorva Jha and Mr. Akhil
Hasija, Advocates for UOI.

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+ LPA 542/2023, CAV 341/2023, CM APPL. 34931-34934/2023

GO AIRLINES (INDIA) LIMITED ..... Appellant

Through: Mr. Neeraj Kishan Kaul and Mr. Ramji Srinivasan, Senior Advocates with Mr. Diwakar Maheshwari, Mr. Vishnu Sriram, Ms. Pratiksha Mishra, Mr. Shreyas E., Mr. Yugam Taneja and Mr. Deepak Joshi, Advocates.

versus

DAE (SY 22) IRELAND DESIGNATED ACTIVITY COMPANY & ORS. ..... Respondents

Through: Mr. Rajesh Gogna, CGSC with Ms. Avshreya Pratap Singh Rudy, Advocate for DGCA/UOI.
Mr. Dheeraj Nair, Ms. Vishrutyi Sahan and Mr. Angad Baxi, Advocates for Intervenor.
Mr. Kevic Setalvad, Senior Advocate with Mr. Pai Amit, Mr. Nimish Vakil, Ms. Bhavana Duhoon, Mr. Kushal Dube, Ms. Vanshika Dubey and Mr. Abhiyudaya Vats, Advocates.

+ LPA 543/2023, CM APPL. 34935-34938/2023

GO AIRLINES (INDIA) LIMITED ..... Appellant

Through: Mr. Neeraj Kishan Kaul and Mr. Ramji Srinivasan, Senior Advocates with Mr. Diwakar Maheshwari, Mr. Vishnu Sriram, Ms. Pratiksha Mishra, Mr. Shreyas E., Mr. Yugam Taneja and Mr. Deepak Joshi, Advocates.

versus

ACG AIRCRAFT LEASING IRELAND LIMITED & ORS.

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..... Respondents

Through: Mr. Nitin Sarin, Advocate for R-1.
Mr. Apoorv Kurup, CGSC with Ms. Avshreya Pratap Singh Rudy and Mr. Akhil Hasija, Advocates for DGCA.
Mr. Dheeraj Nair, Ms. Vishrutyi Sahan and Mr. Angad Baxi, Advocates for Intervenor.

\+ LPA 544/2023, CM APPL. 34939-34942/2023

GO AIRLINES (INDIA) LIMITED THROUGH ITS RESOLUTION PROFESSIONAL MR SHAILENDRA AJMERA ..... Appellant

Through: Mr. Neeraj Kishan Kaul and Mr. Ramji Srinivasan, Senior Advocates with Mr. Diwakar Maheshwari, Mr. Vishnu Sriram, Ms. Pratiksha Mishra, Mr. Shreyas E., Mr. Yugam Taneja and Mr. Deepak Joshi, Advocates.

versus

PEMBROKE AIRCRAFT LEASING 11 LIMITED. & ORS.
..... Respondents

Through: Ms. Anjana Gosain, SPC with Ms. Avshreya Pratap Singh Rudy, Ms. Nippun Sharma and Ms. Hetika Vadhera, Advocates for DGCA with Mr. Amit Teotia, Dy. Director (Legal) and Mr. Vivek Puri, Dy. DG Director (Airworthiness).
Mr. Dheeraj Nair, Ms. Vishrutyi Sahan and Mr. Angad Baxi, Advocates for Intervenor.

\+ LPA 545/2023, CAV 343/2023, CM APPL. 34991-34994/2023

GO AIRLINES INDIA LIMITED ..... Appellant

Through: Mr. Neeraj Kishan Kaul and Mr.

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Ramji Srinivasan, Senior Advocates with Mr. Diwakar Maheshwari, Mr. Vishnu Sriram, Ms. Pratiksha Mishra, Mr. Shreyas E., Mr. Yugam Taneja and Mr. Deepak Joshi, Advocates.

versus

EOS AVIATION 12 (IRELAND) LIMITED & ANR. .... Respondents

Through: Mr. Dheeraj Nair, Ms. Vishrutyi Sahan and Mr. Angad Baxi, Advocates for Intervenor.

\+ LPA 546/2023, CM APPL. 34995-34997/2023

GO AIRLINES INDIA LIMITED ..... Appellant

Through: Mr. Neeraj Kishan Kaul and Mr. Ramji Srinivasan, Senior Advocates with Mr. Diwakar Maheshwari, Mr. Vishnu Sriram, Ms. Pratiksha Mishra, Mr. Shreyas E., Mr. Yugam Taneja and Mr. Deepak Joshi, Advocates.

versus

GY AVIATION LEASE 1722 CO LIMITED AND ORS. .... Respondents

Through: Mr. Dheeraj Nair, Ms. Vishrutyi Sahan and Mr. Angad Baxi, Advocates for Intervenor.
Ms. Marylou Bilawala, Mr. Pranaya Goyal,
Ms. Marylou Bilawala, Mr. Pranaya Goyal, Mr. Chiranjivi Sharma, Mr. Apoorva Kaushik, Ms. Neetika Sharma and Mr. Girish Shankar, Advocates for R-1.

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+ LPA 547/2023, CM APPL. 35002-35005/2023

GO AIRLINES INDIA LIMITED ..... Appellant

Through: Mr. Neeraj Kishan Kaul and Mr. Ramji Srinivasan, Senior Advocates with Mr. Diwakar Maheshwari, Mr. Vishnu Sriram, Ms. Pratiksha Mishra, Mr. Shreyas E., Mr. Yugam Taneja and Mr. Deepak Joshi, Advocates.

versus

SFV AIRCRAFT HOLDINGS IRE 9 DAC LIMITED & ORS. .... Respondents

Through: Mr. Dheeraj Nair, Ms. Vishrutyi Sahan and Mr. Angad Baxi, Advocates for Intervenor.
Ms. Marylou Bilawala, Mr. Pranaya Goyal, Mr. Chiranjivi Sharma, Mr. Apoorva Kaushik, Ms. Neetika Sharma and Mr. Girish Shankar, Advocates for R-1.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 12.07.2023

1. This common order shall dispose of the aforenoted appeals which arise from a common interim order dated 05th July, 2023, passed by learned Single Judge in writ petitions preferred by the Respondents herein [referred to as "*impugned judgement*"].

2. To provide a brief overview, the Appellant – Go Airlines India Limited [*hereinafter*, "*GoAir*"] operates as a licensed commercial airline in

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India using aircrafts leased to them. The present appeals pertain to thirty such aircrafts procured under distinct lease agreements executed with Respondents-lessors [*collectively,* "*the Lessors*"]. Following certain defaults in payment of lease rent by GoAir, an application under Section 10 of the Insolvency and Bankruptcy Code, 2016 ["IBC"] was filed on 02nd May, 2023 before the National Company Law Tribunal ["NCLT"]. In a parallel development, the Lessors issued notices for termination of lease agreements between 02nd and 04th May, 2023. Thereafter, in the period between 03rd to 05th May, 2023 the Lessors filed independent applications with Director General of Civil Aviation ["DGCA"], seeking cancellation of the aircraft registration in terms of Rule 30(7) of the Aircraft Rules, 1937. In the meantime, NCLT admitted GoAir's Section 10 application on 10th May, 2023, thereby initiating the Corporate Insolvency Resolution Process ["CIRP"], which triggered the moratorium under Section 14 of the IBC.

3. In light of the directions contained in the above admission order, the DGCA decided to keep the Lessors' applications for de-registration in abeyance. Aggrieved therewith, the Lessors filed writ petitions before the Court for directions to DGCA to cancel the aircraft registration as per the Aircraft Rules. For reference and contextual understanding, the prayers in W.P.(C) 7369/2023 are extracted below:

> *"(a) issue a Writ of Certiorari and / or any other similar or appropriate writ, order or direction quashing and setting aside the Impugned Decisions passed by Respondent No.2 rejecting the De-registration Letters of the Petitioners;*
>
> *(b) issue a Writ of Mandamus and / or any other similar or appropriate writ, order or direction to Respondent No.2 and their agents and officers to immediately de-register/ cancel the registration of the Aircraft, in accordance with the Aircraft Rules and facilitate their export by providing an export Certificate of Airworthiness, a Ferry Flight Permit and any other documents, licenses, or permissions as may be required and to notify such de-registration to such authority as the Petitioners may require in this*

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behalf;

(c) *direct Respondent Nos.1 to 8 to aid and assist the Petitioners and grant the Petitioners / their employees, agents, officers and / or representatives to access the airports where the Aircraft are parked inter alia to inspect their Aircraft;*

(d) *direct Respondent Nos.1 to 8 not to permit Respondent No.9 / its directors, employees, agents, officers and / or representatives, entry or access in any manner to the Aircraft nor any permission to operate or fly the Aircraft, save and except to conduct mandatory maintenance / engine runs of the Aircraft;*

(e) *direct Respondent Nos.1 to 8 not to permit Respondent No.9 / its directors, employees, agents, officers and / or representatives, to remove and/ or take out and/ or replace any parts, components, spares, etc. from the Aircraft, save and except to conduct mandatory maintenance of the Aircraft;*

(f) *direct Respondent No. 2 to permit Respondent No.9 to carry out the mandatory maintenance / engine runs of Aircraft MSN 6072 on an urgent basis until the de-registration of Aircraft MSN 6072;*

(g) *direct Respondent No.9 to return to the Petitioners the records and documents (original or copies thereof, as applicable) and manuals relating to the Aircraft;*

(h) *for interim and ad-interim orders in terms of prayers (a) to (f) above;"*

4. The learned Single Judge, while considering Lessors' applications for interlocutory relief(s), issued following interim directions in the impugned judgement:

> *"19. The Petitioners have made out a strong prima facie case in view of the provisions of the Aircrafts Rules as discussed herein. The balance of convenience is also in favour of the Petitioners. The Petitioners are suffering irreparable losses as the value of these Aircrafts are diminishing on a daily basis.*
>
> *20. There can also be no denial of the fact that the Aircrafts of the Petitioners are extremely valuable and highly sophisticated equipment and require regular maintenance for their preservation.*
> *20.1 Therefore, with a view to obviate any further losses, the following directions are being passed:*
> *(i) The Petitioners, their employees, agents, officers and/or representatives shall be permitted by the Respondent/DGCA and the appropriate Airport Authorities to access the Airport(s) where the 30 Aircrafts are parked [details of the Aircraft(s) is reproduced in the table in paragraph 3.2 herein] inter alia to inspect their respective Aircrafts, within the next 3 days;*
> *(ii) The Petitioners, their employees, agents, officers and/or representatives shall be permitted to carry out inspection and all maintenance tasks of the Aircraft, its engines and other parts and components, of all 30 Aircrafts [as are set forth in table at paragraph 3.2 herein], at least twice every month, until the final disposal of the Writ Petitions;*
> *(iii) Respondent/GoAir, its directors, employees, agents, officers and or*

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representatives or the IRP/RP(s) or any person acting on their behalf, are hereby restrained from removing, replacing, taking out any accessories, parts, components or spares, etc. or any relevant operational or other Manuals /records, documentation from any of the 30 Aircraft, except with prior written approval of the Lessor of such Aircraft;

(iv) ***The following additional directions shall be applicable to Aircraft MSN 6072:***

Respondent/DGCA shall permit the Respondent/RP to carry out the mandatory maintenance/engine runs of this Aircraft until its de-registration.

21. These directions are passed qua the interim applications and shall not impact the merits of these Petitions."

5. Aggrieved with the afore-noted interim directions, GoAir has preferred the present appeals.

Submissions put forth by GoAir

6. Although GoAir's challenge to the impugned directions is founded on several grounds, but the same need not be elaborated upon, for reasons noted hereinafter. Nonetheless, it would be sufficient to record the primary contentions raised by Mr. Neeraj Kishan Kaul as well as Mr. Ramji Srinivasan, learned Senior Counsel for GoAir, which are encapsulated hereunder:

6.1. The learned Single Judge has failed to appreciate the effect of the moratorium persisting under Section 14 of IBC, which saves recovery of any property occupied by or in the possession of corporate debtor, by an owner or lessor under Section 14(1)(d). The relief of de-registration of the aircrafts, sought by the Lessors in writ petitions would effectively allow them to recover/ re-possess the aircrafts, which is expressly prohibited during the moratorium. Reliance is placed on the judgement of the Apex Court in ***Rajendra K. Bhutta v. Maharashtra Housing and Area Development***

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Authority and Anr.,[1] to submit that the expression 'occupied by' would cover the leased aircrafts which are in GoAir's physical possession.

6.2. The termination of lease agreements between 02nd to 04th May, 2023 by the Lessors was motivated by filing of application under Section 10 of IBC by GoAir. Thus, relying on the judgement of the Supreme Court in ***Gujarat Urja Vikas Nigam Limited v. Mr. Amit Gupta and Ors.***,[2] it is argued that the termination arises from the CIRP, an aspect which falls within the purview of NCLT's adjudicatory powers.

6.3. NCLT's order dated 10th May, 2023 admitting GoAir's application under Section 10 of IBC was assailed by certain aircraft lessors before the National Company Law Appellate Tribunal ["NCLAT"]. In the said appeals, the NCLAT framed the following issues for consideration:

> "*(1) Whether in a Section 10 Application filed by a Corporate Applicant, it is necessary to issue notice to the creditors to give a hearing or opportunity of hearing to the creditors before admission of Section 10 Application?*
>
> *(2) Whether at the time of hearing of Section 10 Application, if some of the creditors appear and object admission of Section 10 Application alleging that Application has been filed fraudulently with malicious intent, Adjudicating Authority is required to first give opportunity to the creditor to file Section 65 Application and decide the said Application before proceeding to admit Section 10 Application?*
>
> *(3) Whether Lessors having terminated Lease Agreement in favour of the Corporate Applicant prior to admission of Section 10 Application, the moratorium as directed by order dated 10 May, 2023 cannot be said to be applicable to the assets, which were earlier leased by the Lessor to the Corporate Applicant?*
>
> *(4) Whether the Appellant having terminated the Lease Agreement in favour of the Corporate Applicant prior to admission, is entitled to claim possession of the aircrafts and export the aircrafts as per the Lease Agreement?*"

In the aforesaid appeal, while upholding the admission of Section 10 application, the NCLAT issued the following directions:

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[1] (2020) 13 SCC 208.

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> "*(1) The order dated 10.05.2023 admitting Section 10 Application is upheld.*
> *(2) The Appellant(s) are at liberty to file an appropriate Application under Section 65 of the Code with appropriate pleadings and material and Adjudicating Authority while considering the said Application shall not be influenced by any observations made in this order.*
> *(3) The Appellant(s) as well as IRP are at liberty to make appropriate Application before the Adjudicating Authority for declaration with regard to applicability of the moratorium on the aircrafts with regard to which Leases in favour of the Corporate Applicant were terminated prior to admission of Section 10 Application, which Application need to be considered and decided by the Adjudicating Authority in accordance with law.*
> *(4) The Appellant(s) and the IRP are also at liberty to make an appropriate Application under Section 60, sub-section (5) with regard to claim of possession and other respective claims of both the parties relating to the aircrafts in question, which need to be decided by the Adjudicating Authority in accordance with law."*

6.4. Thus, the NCLAT refrained from deciding the questions of validity of termination of the lease agreements, application of moratorium to the concerned aircrafts and re-possession thereof by the Lessors, and instead, permitted the Lessors to file appropriate applications before the NCLT for determination of said issues. This liberty has been utilised by certain lessors who have already approached the NCLT for this purpose. Consequently, the NCLT, being the Adjudicating Authority under Section 60(5) of the IBC, has the exclusive jurisdiction to decide questions pertaining to termination of lease and effect thereof; the learned Single Judge could not have assumed jurisdiction and passed the impugned directions. Reference is made to the judgement of a Coordinate Bench in ***Tata Steel BSL Limited v. Venus Recruiter Private Limited and Ors.***[3]

6.5. A conjoint reading of Sections 60(5)(c), 63, 231 and 238 of IBC expressly bars a civil court from passing orders on issues which the

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[2] 2020 SCC OnLine SC 1167.
[3] DHC Neutral Citation No.: 2023/DHC/000257.

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Adjudicating Authority (NCLT) is empowered to decide under the Code. Therefore, the learned Single Judge ought not to have entertained the Lessors' petitions.

Contentions of the Lessors

7. Mr. Rajiv Nayar, learned Senior Counsel representing the Respondent-lessors in LPA 537/2023, strongly defends the impugned judgement urging the following:

7.1. Undisputedly, GoAir filed an application under Section 10 of IBC on 02nd May, 2023, however, mere filing of the application would not trigger the moratorium, which comes into effect only on the insolvency commencement date *i.e.*, the date of admission of the application. The NCLT accepted GoAir's application on 10th May, 2023, but the Lessors had issued termination notices before the said date (between 02nd to 04th May, 2023). Therefore, the factum of admission of Section 10 application would not preclude the Lessors from seeking recovery of the aircrafts as the constructive and lawful possession thereof is presently with the Lessors.

7.2. Subsequent to cessation of the lessor-lessee relationship, the Lessors were well within their rights to apply for de-registration of the aircrafts in accordance with Rule 30(7) of the Aircraft Rules. The application submission and other compliances for de-registration of the aircrafts were completed before the moratorium came into force, and the same are unaffected thereby. As per the said Rule, DGCA ought to have processed the Lessors' request within five days from the date of application.

7.3. The right to seek de-registration of aircrafts is independent of the CIRP and therefore, the pendency of said proceedings is inconsequential to

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the present controversy.

7.4. Without prejudice, the impugned directions are only based on the learned Single Judge's *prima facie* opinion and a final decision is yet to be delivered in the writ petitions. The interim order has been passed in view of the imminent danger to valuable assets of the Lessors, and in aid of the final relief of seeking directions to DGCA to de-register the aircrafts. Nonetheless, on instructions, he submits that the Lessors would be agreeable to the deletion of words "*and all maintenance tasks*" occurring in direction (ii) of paragraph No. 20.1 of the impugned judgement. However, as regards directions No. (i) and (iii), he argues that the same are necessary for preservation of the aircrafts.

8. Learned Senior Counsel appearing for the Lessors, as mentioned in the appearance above, have re-joined Mr. Nayar's afore-noted contentions.

Analysis

9. We have patiently heard learned Senior Counsel for the parties who have both presented compelling arguments. The core of the instant dispute revolves around the interplay between the provisions of IBC, particularly the moratorium envisaged under Section 14, and parties' legal obligations and rights derived from the Aircraft Rules as well as the lease agreements.

10. Learned Single Judge has, on a *prima facie* basis, observed that the Interim Resolution Professional is not required to take control of the aircrafts under the provisions of IBC. Consequently, it has been observed that thirty subject aircrafts are the Lessors' assets. Learned Single Judge has opined that till the conclusive adjudication of the writ, the impugned directives are imperative, considering the substantial value of the aircrafts

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and their sophisticated nature, which necessitates consistent maintenance for their preservation. Bearing in mind the foregoing, and given the fact that a final judgment is yet to be rendered, in our considered opinion, it would be appropriate for the parties to present all their arguments before the learned Single Judge for final determination of the writ petitions.

11. Mr. Kaul and Mr. Srinivasan have emphatically elaborated on the necessity for this Court's interference with the impugned directions, stating that the Committee of Creditors has approved GoAir's revival scheme and resultantly, GoAir has petitioned the DGCA for reinstatement of the airline's operations, of which they expect an immediate approval. In the event such an approval is granted, they submit that directions in paragraph No. 20.1 of the impugned judgement would prevent GoAir's renewed functioning.

12. In view of the above-noted submission, the Court has queried from Ms. Anjana Gosain, learned counsel for DGCA, as to the procedure and timeline for grant of necessary authorisation for re-commencement of flying operations. Ms. Gosain, on instructions, explains that GoAir's resumption plan has been subjected to an audit. The resultant audit report, identifying certain shortcomings in the plan, has been forwarded to the Resolution Professional ["RP"] today and they have been called upon to file a response thereto for addressing/ curing said deficiencies. Upon being satisfied with the compliances, the plan would be approved. Thereafter, GoAir would have to seek permission for flight routes and schedule, which is ordinarily granted within ten days of the application. She submits that GoAir would be able to resume flying operations only after the DGCA approves the flight routes and schedule, and not anytime before that.

13. The afore-noted stand suggests that the entire process would span

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over a period of more than fifteen days from this date. Thus, given the time-consuming nature of the approval process, as detailed by Ms. Gosain, the Court finds it prudent not to pass any judgement on the contentious issues outlined above, at this juncture. As discussed above, the learned Single Judge's views are currently tentative and a degree of finality will be achieved only after the writ petitions are conclusively heard and decided. A judgement on the complexities inherent in the present appeals – the high-value assets involved, regulatory permissions required, questions around maintainability of the writ petitions – would have potentially far-reaching implications on the proceedings pending before the learned Single Judge. An additional consideration that impels us to refrain from deciding the appeals at this stage is the impending scheduled date of hearing of the writ petitions (*i.e.*, 03rd August, 2023) before the learned Single Judge.

14. The impugned interim directives primarily pertain to the inspection and maintenance of the aircrafts, which are designed to prevent cannibalisation and preserve their value and integrity. In our opinion, no severe prejudice would be inflicted upon GoAir in the event the matter is relegated to the learned Single Judge for final disposal of the writ petitions, especially in light of the fact that DGCA would require a minimum of fifteen days to decide on re-commencement of GoAir's flights. We thus deem it appropriate in the interest of justice to refrain from entertaining the appeals at this juncture. The learned Single Judge is however requested to endeavour to decide the writ petitions as expeditiously as possible, preferably on the next scheduled date of hearing.

15. We are informed that the pleadings have not been completed in the writ petitions. Accordingly, a week's time is granted to GoAir as well as the

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DGCA to file their respective counter affidavits in the writ petitions pending before the learned Single Judge. Rejoinder thereto, if any, be filed within three days thereafter.

16. In the meantime, direction (ii) contained in paragraph No. 20.1 of the impugned judgement is modified to the extent that GoAir, through RP, is permitted to carry out all maintenance tasks of the thirty subject aircrafts, their engines and other parts and components, which are parked at various airports, with due permissions mandated under extant rules/ law. The Lessors are also free to carry out periodic monthly inspections of the aforesaid aircrafts in accordance with law.

17. It is clarified that we have not expressed any opinion on the contentions noted hereinabove and the parties shall be free to urge the same before the learned Single Judge or the NCLT, as the case may be, who would be free to proceed further in accordance with law.

18. In view of the statement made by Ms. Gosain, without prejudice to the rights and contentions of the parties, the DGCA is permitted to process and decide GoAir's resumption application.

19. With the above directions, the present appeals are disposed of along with pending applications.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J

JULY 12, 2023/*nk/*as

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