



\$~39 to 52

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

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+ **W.P.(C) 6569/2023 & CM APPL. 36850/2023**

ACCIPITER INVESTMENTS AIRCRAFT
2 LIMITED

..... Petitioner

Through: Mr. Ravi Nath, Mr. Ankit Garg, Mr.
Ankur Mahindra, Mr. Rohan Taneja
& Mr. Aditya Kapur, Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Ms. Anjana Gosain, Ms. Avshreya
Rudy, GP, Ms. Nippun Sharma & Ms.
Hetika Vadhera, Advocates for
R/UOI.

Mr. Neeraj Kishan Kaul, Senior
Advocate with Mr. Diwakar
Maheshwari, Adv., Mr. Deepak Joshi,
Ms. Pratiksha Mishra, Mr. Shreyas
Edupugnati and Ms. K. Lakshmi,
Advocates for RP.

Mr. Gopal Jain, Sr. Adv. with Mr.
Dheeraj Nair, Mr. Angad Baxi, Ms.
Vishrutyi Sahni and Ms. Stanzin
Dolker, Advs. for COC.

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+ **W.P.(C) 6626/2023 & CM APPL. 36930/2023**

EOS AVIATION 12 (IRELAND) LTD.

..... Petitioner

Through: Mr. Ravi Nath, Mr. Ankit Garg, Mr.
Ankur Mahindra, Mr. Rohan Taneja
& Mr. Aditya Kapur, Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Rajesh Gogna, CGSC with Mr.
Amit Acharya, GP and Mr. Avshreya
Pratap Singh Rudy, Advocate for
DGCA/UOI.

Mr. Neeraj Kishan Kaul, Senior



Advocate with Mr. Diwakar Maheshwari, Adv., Mr. Deepak Joshi, Ms. Pratiksha Mishra, Mr. Shreyas Edupugnati and Ms. K. Lakshmi, Advocates for RP.

Mr. Gopal Jain, Sr. Adv. with Mr. Dheeraj Nair, Mr. Angad Baxi, Ms. Vishrutyi Sahni and Ms. Stanzin Dolker, Advs. for COC.

Mr. Ruchir Bhatia, Sr. Adv. with Ms. Deeksha Gupta, Adv. for Revenue.

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W.P.(C) 7214/2023, CM APPL. 28114-28115/2023, CM APPL. 36915/2023 & CM APPL. 37054/2023

PEMBROKE AIRCRAFT LEASING 11 LIMITED Petitioner

Through: Mr. Vaijayant Paliwal, Ms. Medha Sachdev, Ms. Riya Basu, Ms. Meghna Rajadhyaksha, Mr. Rishabh Jaisani, Mr. Harit Lakhani, Mr. Ajay Kumar, Ms. Snigdha, Advs.

versus

DIRECTORATE GENERAL OF CIVIL AVIATION
& ORS.

..... Respondents

Through: Ms. Anjana Gosain, Ms. Avshreya Rudy, GP, Ms. Nippun Sharma & Ms. Hetika Vadhera, Advocates for R/UOI.

Mr. Neeraj Kishan Kaul, Senior Advocate with Mr. Diwakar Maheshwari, Adv., Mr. Deepak Joshi, Ms. Pratiksha Mishra, Mr. Shreyas Edupugnati and Ms. K. Lakshmi, Advocates for RP.

Mr. Gopal Jain, Sr. Adv. with Mr. Dheeraj Nair, Mr. Angad Baxi, Ms. Vishrutyi Sahni and Ms. Stanzin Dolker, Advs. for COC.



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W.P.(C) 7369/2023, CM APPL. 38321/2023 & CM APPL. 36931/2023

SMBC AVIATION CAPITAL LIMITED AND
ORS

..... Petitioners

Through: Ms. Marylou Bilawala, Mr. Pranaya Goyal, Mr. Dhruv Khanna, Ms. Sharleen Lobo, Mr. Chiranjivi Sharma, Ms. Priya Desai, Ms. Apoorva Kaushik, Mr. Vasu Gupta, Ms. Saakshi Malpekar, Ms. Nehal Gupta & Mr. Uday Mathur, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Rajesh Gogna, CGSC with Ms. Avshreya Pratap Singh Rudy, G.P. for R-1 &2.

Mr. Neeraj Kishan Kaul, Senior Advocate with Mr. Diwakar Maheshwari, Adv., Mr. Deepak Joshi, Ms. Pratiksha Mishra, Mr. Shreyas Edupugnati and Ms. K. Lakshmi, Advocates for RP.

Mr. Gopal Jain, Sr. Adv. with Mr. Dheeraj Nair, Mr. Angad Baxi, Ms. Vishrutyi Sahni and Ms. Stanzin Dolker, Advs. for COC.

Ms. Ragini Sharma, Advocate for R-4 & 8

Ms. Milanka Chaudhary, Ms. Ashly Cherian and Ms. Harshita Agarwal, Advs. for R-7.

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W.P.(C) 7663/2023, CM APPL. 36929/2023 & CM APPL 47071/2023

DAE SY 22 13 IRELAND DESIGNATED ACTIVITY



COMPANY

..... Petitioner

Through: Mr. Kevic Setalvad, Sr. Adv. with
Mr. Nimish Vakil, Mr. Pai Amit,
Ms. Bhavana Buhoon and Mr
Abhiyudaya Vats, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Ms. Anjana Gosain, SPC with Ms.
Avshreya Pratap Singh Rudy, G.P.,
Mr. Akhil Hasija, Ms. Gauri
Goburdhun and Mr. Ojaswa
Pathak, Advs. for R- 1 and 2.
Mr. Rajesh Gogna, CGSC with Mr.
Amit Acharya and Ms. Avshreya
Pratap Singh, Advs. for DGCA.
Mr. Neeraj Kishan Kaul, Senior
Advocate with Mr. Diwakar
Maheshwari, Adv., Mr. Deepak Joshi,
Ms. Pratiksha Mishra, Mr. Shreyas
Edupugnati and Ms. K. Lakshmi,
Advocates for RP.
Mr. Gopal Jain, Sr. Adv. with Mr.
Dheeraj Nair, Mr. Angad Baxi, Ms.
Vishrutyi Sahni and Ms. Stanzin
Dolker, Advs. for COC.

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W.P.(C) 7773/2023 & CM APPL. 36891/2023

SFV AIRCRAFT HOLDINGS IRE 9 DAC

LIMITED

..... Petitioner

Through: Ms. Marylou Bilawala, Mr. Pranaya
Goyal, Mr. Dhruv Khanna, Ms.
Sharleen Lobo, Mr. Chiranjivi
Sharma, Ms. Priya Desai, Ms.
Apoorva Kaushik, Mr. Vasu Gupta,
Ms. Saakshi Malpekar, Ms. Nehal
Gupta & Mr. Uday Mathur,
Advocates.

versus



UNION OF INDIA THROUGH THE MINISTRY OF CIVIL
AVIATION & ORS.

..... Respondents

Through: Ms. Anjana Gosain, Ms. Avshreya Rudy, GP, Ms. Nippun Sharma & Ms. Hetika Vadhera, Advocates for R/UOI.

Mr. Neeraj Kishan Kaul, Senior Advocate with Mr. Diwakar Maheshwari, Adv., Mr. Deepak Joshi, Ms. Pratiksha Mishra, Mr. Shreyas Edupugnati and Ms. K. Lakshmi, Advocates for RP.

Mr. Gopal Jain, Sr. Adv. with Mr. Dheeraj Nair, Mr. Angad Baxi, Ms. Vishrutyi Sahni and Ms. Stanzin Dolker, Advs. for COC.

Ms. Ragini Sharma, Advocate for R-4 & 8

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W.P.(C) 7774/2023 & CM APPL. 36909/2023

ACG AIRCRAFT LEASING IRELAND LIMITED Petitioner

Through: Mr. Nitin Sarin & Mr. Mukul Katyal, Ms. Priyam Jinger, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Apoorv Kurup, Ms. Avshreya Pratap Singh Rudy, G.P., Mr. Akhil Hasija, Ms. Gauri Goburdhun and Mr. Ojaswa Pathak, Advs. for R- 1.

Mr. Neeraj Kishan Kaul, Senior Advocate with Mr. Diwakar Maheshwari, Adv., Mr. Deepak Joshi, Ms. Pratiksha Mishra, Mr. Shreyas Edupugnati and Ms. K. Lakshmi, Advocates for RP.

Mr. Gopal Jain, Sr. Adv. with Mr. Dheeraj Nair, Mr. Angad Baxi, Ms.



Vishrutyi Sahni and Ms. Stanzin
Dolker, Advs. for COC.

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**W.P.(C) 8088/2023, CM APPL. 36928/2023 & CM APPL.
45187/2023 & CM APPL. 47072/2023**

GY AVIATION LEASE 1722 CO LIMITED
& ORS.

..... Petitioners

Through: Ms. Marylou Bilawala, Mr. Pranaya
Goyal, Mr. Dhruv Khanna, Ms.
Sharleen Lobo, Mr. Chiranjivi
Sharma, Ms. Priya Desai, Ms.
Apoorva Kaushik, Mr. Vasu Gupta,
Ms. Saakshi Malpekar, Ms. Nehal
Gupta & Mr. Uday Mathur,
Advocates.

versus

UNION OF INDIA THROUGH THE MINISTRY OF CIVIL
AVIATION & ORS.

..... Respondents

Through: Mr. Apoorv Kurup, Ms. Avshreya
Pratap Singh Rudy, G.P., Mr. Akhil
Hasija, Ms. Gauri Goburdhun and Mr.
Ojaswa Pathak, Advs. for R- 1 and 2.
Mr. Neeraj Kishan Kaul, Senior
Advocate with Mr. Diwakar
Maheshwari, Adv., Mr. Deepak Joshi,
Ms. Pratiksha Mishra, Mr. Shreyas
Edupugnati and Ms. K. Lakshmi,
Advocates for RP.
Mr. Digvijay Rai, Mr. Archit Mishra
& Mr. Vivek Gupta, Advocates for R-
3/AAI.
Mr. Gopal Jain, Sr. Adv. with Mr.
Dheeraj Nair, Mr. Angad Baxi, Ms.
Vishrutyi Sahni and Ms. Stanzin
Dolker, Advs. for COC.
Ms. Milanka Chaudhary, Ms. Ashly
Cherian and Ms. Harshita Agarwal,



Advvs. for R-7.

Ms. Ragini Sharma, Advocate for R-4

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W.P.(C) 9432/2023 & CM APPL 47257/2023

BOC AVIATION (IRELAND) LIMITED Petitioner

Through: Mr. Ajay Kumar, Mr. Sunil Gonsalves, Mr. Ghazal Ghai and Mr. Hetaram Bishnoi, Advvs.

versus

DIRECTORATE GENERAL OF CIVIL AVIATION
AND ORS Respondents

Through: Ms. Anjana Gosain, SPC with Ms. Avshreya Pratap Singh Rudy, G.P., Mr. Akhil Hasija, Ms. Gauri Goburdhun and Mr. Ojaswa Pathak, Advvs. for R- 1.

Mr. Neeraj Kishan Kaul, Senior Advocate with Mr. Diwakar Maheshwari, Adv., Mr. Deepak Joshi, Ms. Pratiksha Mishra, Mr. Shreyas Edupugnati and Ms. K. Lakshmi, Advocates for RP.

Mr. Gopal Jain, Sr. Adv. with Mr. Dheeraj Nair, Mr. Angad Baxi, Ms. Vishrutyi Sahni and Ms. Stanzin Dolker, Advvs. for COC.

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W.P.(C) 9594/2023 & CM APPL. 39368/2023

JACKSON SQUARE AVIATION IRELAND
LIMITED Petitioner

Through: Mr. Vaijayant Paliwal, Ms. Medha Sachdev, Ms. Riya Basu, Ms. Meghna Rajadhyaksha, Mr. Rishabh Jaisani Mr. Harit Lakhani, Mr. Ajay Kumar, Ms. Snigdha, Advvs.



versus
DIRECTORATE GENERAL OF CIVIL AVIATION
AND ORS.

..... Respondents

Through: Mr. Apoorv Kurup, Ms. Avshreya Pratap Singh Rudy, G.P., Mr. Akhil Hasija, Ms. Gauri Goburdhun and Mr. Ojaswa Pathak, Advs. for R- 1.
Mr. Neeraj Kishan Kaul, Senior Advocate with Mr. Diwakar Maheshwari, Adv., Mr. Deepak Joshi, Ms. Pratiksha Mishra, Mr. Shreyas Edupugnati and Ms. K. Lakshmi, Advocates for RP.

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W.P.(C) 9900/2023

SKY HIGH XCV LEASING COMPANY LIMITED
& ANR.

..... Petitioners

Through: Ms. Marylou Bilawala, Mr. Pranaya Goyal, Mr. Dhruv Khanna, Ms. Sharleen Lobo, Mr. Chiranjivi Sharma, Ms. Priya Desai, Ms. Apoorva Kaushik, Mr. Vasu Gupta, Ms. Saakshi Malpekar, Ms. Nehal Gupta & Mr. Uday Mathur, Advocates.

versus
UNION OF INDIA THROUGH THE MINISTRY OF CIVIL
AVIATION & ORS.

..... Respondents

Through: Ms. Anjana Gosain, SPC with Ms. Avshreya Pratap Singh Rudy, G.P., Mr. Akhil Hasija, Ms. Gauri Goburdhun and Mr. Ojaswa Pathak, Advs. for R- 1.
Mr. Neeraj Kishan Kaul, Senior Advocate with Mr. Diwakar Maheshwari, Adv., Mr. Deepak Joshi, Ms. Pratiksha Mishra, Mr. Shreyas



Edupugnati and Ms. K. Lakshmi,
Advocates for RP.

Mr. Gopal Jain, Sr. Adv. with Mr.
Dheeraj Nair, Mr. Angad Baxi, Ms.
Vishrutyi Sahni and Ms. Stanzin
Dolker, Advs. for COC.

Ms. Milanka Choudhary, Ms.
Harshita Agarwal and Ms. Ashly
Cherian, Advs. for R-5.

Ms. Ragini Sharma, Advocate for R-6

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W.P.(C) 9901/2023

STAR RISING AVIATION 13 LIMITED

..... Petitioner

Through: Ms. Marylou Bilawala, Mr. Pranaya
Goyal, Mr. Dhruv Khanna, Ms.
Sharleen Lobo, Mr. Chiranjivi
Sharma, Ms. Priya Desai, Ms.
Apoorva Kaushik, Mr. Vasu Gupta,
Ms. Saakshi Malpekar, Ms. Nehal
Gupta & Mr. Uday Mathur,
Advocates.

versus

**UNION OF INDIA THROUGH THE MINISTRY OF CIVIL
AVIATION & ORS.**

..... Respondents

Through: Mr. Apoorv Kurup, Ms. Avshreya
Pratap Singh Rudy, G.P., Mr. Akhil
Hasija, Ms. Gauri Goburdhun and Mr.
Ojaswa Pathak, Advs. for R- 1.

Mr. Neeraj Kishan Kaul, Senior
Advocate with Mr. Diwakar
Maheshwari, Adv., Mr. Deepak Joshi,
Ms. Pratiksha Mishra, Mr. Shreyas
Edupugnati and Ms. K. Lakshmi,
Advocates for RP.

Mr. Gopal Jain, Sr. Adv. with Mr.
Dheeraj Nair, Mr. Angad Baxi, Ms.
Vishrutyi Sahni and Ms. Stanzin



Dolker, Advs. for COC.

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W.P.(C) 10327/2023 & CM APPL. 39992/2023

BLUESKY 31 LEASING COMPANY LIMITED Petitioner

Through: Mr Ameya Gokhale with Mr. Vajjayant Paliwal, Ms. Medha Sachdev, Ms. Riya Basu, Ms. Meghna Rajadhyaksha, Mr. Rishabh Jaisani Mr. Harit Lakhani, Mr. Ajay Kumar, Ms. Snigdha, Advs.

versus

DIRECTORATE GENERAL OF CIVIL AVIATION
& ORS. Respondents

Through: Ms. Anjana Gosain, SPC with Ms. Avshreya Pratap Singh Rudy, G.P., Mr. Akhil Hasija, Ms. Gauri Goburdhun and Mr. Ojaswa Pathak, Advs. for R- 1.
Mr. Neeraj Kishan Kaul, Senior Advocate with Mr. Diwakar Maheshwari, Adv., Mr. Deepak Joshi, Ms. Pratiksha Mishra, Mr. Shreyas Edupugnati and Ms. K. Lakshmi, Advocates for RP.

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W.P.(C) 10386/2023 & CM APPL. 40199/2023

BLUESKY 19 LEASING COMPANY LIMITED Petitioner

Through: Mr Ameya Gokhale with Mr. Vajjayant Paliwal, Ms. Medha Sachdev, Ms. Riya Basu, Ms. Meghna Rajadhyaksha, Mr. Rishabh Jaisani Mr. Harit Lakhani, Mr. Ajay Kumar, Ms. Snigdha, Advs.

versus

DIRECTORATE GENERAL OF CIVIL AVIATION
& ORS. Respondents



Through: Mr. Neeraj Kishan Kaul, Senior Advocate with Mr. Diwakar Maheshwari, Adv., Mr. Deepak Joshi, Ms. Pratiksha Mishra, Mr. Shreyas Edupugnati and Ms. K. Lakshmi, Advocates for RP.
Mr. Gopal Jain, Sr. Adv. with Mr. Dheeraj Nair, Mr. Angad Baxi, Ms. Vishrutyi Sahni and Ms. Stanzin Dolker, Advs. for COC.

CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

05.10.2023

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

1. Learned Counsel appearing on behalf of the Petitioners/Lessors have handed across a copy of the Notification issued by the Ministry of Corporate Affairs dated 03.10.2023 to submit that in view of the Notification, it is now incumbent upon the DGCA to de-register the Aircrafts, which form subject matter of the present Petitions.

1.1 The Notification reads as follows :-

**“MINISTRY OF CORPORATE AFFAIRS
NOTIFICATION
New Delhi, the 3rd October, 2023**

S.O. 4321(E) - WHEREAS, the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment were adopted under the joint auspices of International Civil Aviation Organization and the International Institute for the Unification of Private Law concluded at Cape Town on 16th November, 2001;

AND WHEREAS, India, being a signatory to and having acceded the Convention and the Protocol by depositing with the International Institute for the Unification of Private Law the instruments of accession on 31.03.2008;



Now, therefore, in exercise of the powers conferred by clause (a) of the sub-section (3) of section 14 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016), the Central Government hereby notifies that the provisions of sub-section (1) of section 14 of the Insolvency and Bankruptcy Code 2016 (31 of 2016), shall not apply to transactions, arrangements or agreements, under the Convention and the Protocol, relating to aircraft, aircraft engines, airframes and helicopters.”

2. Learned Senior Counsels appearing on behalf of the Respondent/RP as well as the Committee of Creditors and learned Counsel appearing on behalf of the Respondent/DGCA submits that they have received a copy of the Notification only last night and that they seek an accommodation to examine the same.
3. Accordingly, list these matters on 19.10.2023 at 4.00 p.m.

TARA VITASTA GANJU, J

OCTOBER 05, 2023/yg