

ITEM NO.51

COURT NO.10

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 79-81/2019

INTERGLOBE AVIATION LIMITED

Appellant(s)

VERSUS

UNION OF INDIA, THR. SECRETARY,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE SECRETARY & ORS. ETC.

Respondent(s)

(IA No. 179154/2018 - CONDONATION OF DELAY IN FILING APPEAL, IA No. 180514/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ ANNEXURES, IA No. 179156/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 179158/2018 - STAY APPLICATION)

Date : 02-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Appellant(s)

Ms. Meenakshi Arora, Sr. Adv.¹
Mr. Saurabh Kirpal, Adv.
Mr. Jasmeet Singh, AOR
Mr. Mrinal Ojha, Adv.
Mr. Ishaan Chhaya, Adv.
Ms. Rashi Goswami, Adv.
Ms. Rusheet Saluja, Adv.
Mr. Saif Ali, Adv.

For Respondent(s)

Mr. ANS Nadkarni, ASG
Ms. Chinmayee, Adv.
Salvador Santosh Rebello, Adv.
Ms. Swati Ghildiyal, Adv.
Mr. B. V. Balaram Das, AOR
Mr. Gurmeet Singh Makker, AOR

Mr. Kiran Kumar Patra, AOR

Mr. U.A. Rana, Adv.
for M/S. Gagrat and Co, AOR

Mr. Sanjay Pal, Adv.

Mr. Amrendra Kumar Mehta, AOR

Mr. Sanjay Kumar Dubey, AOR

Ms. Shuchi Singh, Adv.

Mr. Krishna Kant Dubey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

During the course of the hearing, a counter affidavit has been filed on behalf of the Union of India in the Ministry of Health and Family Welfare dealing with the issue as to whether disinfection of aircraft through the process of fumigation should be permitted. That is the main issue which has been raised in the civil appeals.

The affidavit makes a reference to the guidelines of the World Health Organisation ("WHO") as well as to the provisions contained in the Aircraft (Public Health) Rules 1954.

Having regard to the nature of the issues raised, particularly in the context of public health, it would be appropriate if the Union government considers the feasibility of setting up a high powered Committee consisting of experts in the field. The Committee will, upon due assessment of the benefits and hazards involved, take a considered decision. Since the matter essentially pertains to an issue of policy, we are of the view that such an exercise should be carried out by the Union government in the first instance. This would also apprise the court of the position of the Union government.

Mr. ANS Nadkarni, learned Additional Solicitor General has informed the Court that the Union government is not averse to following this course of action so that a policy decision can be arrived at.

Ms. Meenakshi Arora, learned Senior Counsel and Mr. Saurabh Kirpal, learned counsel representing the appellants have accepted this action, as appropriate.

We, accordingly, adjourn the hearing of the civil appeals till 16 July 2019, when the Court will be apprised of the decision of the Union government in this regard.

List on 16 July 2019.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER