

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLICATION NO.17/2024
IN
FIRST APPEAL NO.28/2023**

AVIATION SERVICES
MANAGEMENT (INDIA) PVT.
LTD. THR. AUTH. SIG. ALEX DIAS ... APPLICANT

Versus

UNION OF INDIA, THR. ITS
MINISTRY OF CIVIL
AVIATION AND 2 ORS. ... RESPONDENTS

Mr Akash Rebello (through VC) with Parikshit Sawant and Mr A. Borkar (through VC), Advocates for the Applicant.
Mr K. Kavlekar, Advocate for Respondent No.2 and 3.

CORAM: **M. S. SONAK, J.**

DATED: **12th JANUARY 2024**

P.C.:

1. Heard Mr Akash Rebello for the applicant and Mr K. Kavlekar for the second and third respondents.
2. This civil application seeks modification of order dated 14.12.2023 by which the applicant was directed to deposit in this Court an amount of Rs.40 lakhs within four weeks as one of the conditions for grant of interim relief.

3. Mr Rebello now submits that the applicant may be permitted to offer an unconditional bank guarantee of a nationalized bank to secure this amount of Rs.40 lakhs instead of actually depositing this amount in the Court. Mr Kavlekar submits that no case is made out for modification. He submits that since the amount was to remain in this Court, no prejudice would be caused to the applicant.
4. Having considered the objection and since, the amount was to remain in this Court, the interest of justice or rather, the interest of the respondents would be equally secured if the applicant is permitted to furnish an unconditional bank guarantee of a nationalized bank to secure this amount of Rs.40 lakhs.
5. Accordingly, the order dated 14.12.2023 is modified and the applicant is permitted to offer an unconditional bank guarantee of a nationalized bank within three weeks from today without fail. Copy of the bank guarantee must be furnished in advance to the learned counsel for the respondents and further, this bank guarantee must be kept alive and renewed from time to time till the disposal of this appeal or until further orders of this Court.
6. In case of failure to furnish the requisite bank guarantee within three weeks from today, it is clarified that the interim relief will stand vacated without further reference to this Court.
7. Misc. Civil Application No.17/2024 is disposed of in above terms.

8. All concerned to act on an authenticated copy of this Order.

M. S. SONAK, J.