

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AD-HOC NO. WP-LD-VC-3 OF 2020
WRIT PETITION (L) NO. OF 2020

Deven Yogesh Kanani ... Petitioner
Versus
DGCA & Ors. ... Respondents

Mr. Abhilash Panickar a/w. Ms. Jyoti Panickar i/b. Entrust Legal Services LLP for the Petitioner.

Mr. Tushar Mehta, Solicitor General a/w. Mr. Anil C. Singh, Addl. Solicitor General, Mr. Aditya Thakkar i/b. Mr. Pravartak Pathak for Respondent No. 1.

Mr. Darius Khambata, Sr. Adv. a/w. Mr. Rohan Kelkar, Mr. Hemang Raythatha, Mr. Sunil Gangan, Ms. Sheetal Sabins i/b. RMG Law Associates for Respondent Nos. 2 and 3 and proposed Intervenor – Go Airlines India.

Mr. Janak Dwarkadas, Sr. Adv. i/b. Vyapak Desai, Mr. Sahjil Kanuga, Ms. Bhavana Sunder i/b. Nishit Desai Associates for the proposed Intervenor - Interglobe Aviation Limited.

Mr. Ravi Kadam, Sr. Adv. a/w. Mr. Abhishek Sharma, Mr. Sidhartha Srivastava, Ms. Sugyata Choudhary, Ms. Yasmeen Sabir i/b. Link Legal India Law Services for the proposed Intervenor – SpiceJet Limited.

Mr. Arsh Mishra a/w. Ms. Kavita Anchan for the proposed Intervenor – IndiGo.

CORAM : S.J.KATHAWALLA, &
SURENDRA P. TAVADE, JJ.

DATE : 4TH JUNE, 2020

P.C. :

1. Heard Learned Advocate for the Petitioner, the Learned Solicitor General alongwith the Learned Additional Solicitor General appearing for Respondent No. 1 and the Learned Senior Advocate appearing for Respondent Nos. 2 and 3 at length.

2. Respondents have laid emphasis on the minutes of the meeting of the Expert Committee held on 26th May, 2020, under the Chairmanship of the Secretary, Civil Aviation, to review and further strengthen the public health related protocols of air travel.

3. We have noted the following statements in the said Minutes :

Paragraph 12 :

“The physical distance between two persons helps in minimizing the transmission through an inadvertent touch”

Paragraph 14 :

“It was also suggested that if the person sitting adjacent to another person is provided with a protective suit (like a gown covering the upper part of the body and gloves), this can also be very good means of preventing the spread of virus either by droplets or by touch.”

Paragraph 14 :

“The Committee felt that providing protective gowns to intervening passengers (passengers who are seated between two persons) would also minimise the risk of transmission through an inadvertent touch while in the aircraft or while boarding or alighting.”

4. We seek clarification from the Expert Committee as to whether by a mere touch of a person carrying COVID-19 virus, the virus can be transmitted to the person so touched.

5. Stand over to 5th June, 2020 at 03.00 p.m.
6. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(SURENDRA P. TAVADE, J.)

(S.J.KATHAWALLA, J.)