

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. _____ OF 2015
(Arising out of SLP(C) No.16939 of 2015)**

M/S. ROOTS INDUSTRIES INDIA LTD. ... APPELLANT(S)

VS.

M/S. AIRPORTS AUTHORITY OF INDIA & ORS. ... RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. Leave granted.
2. Upon hearing the learned counsel and upon perusal of the original file, we are of the view that the writ petition is to be remitted to the High Court for consideration on merits.
3. In the circumstances, we set aside the impugned order passed by the High Court and remit the matter to the High Court so that the High Court can look into the issues and take decision afresh on merits, as the High Court had not gone into the merits of the case.

4. We hope that the High Court shall take final decision in the matter as soon as possible, preferably within one month from today. No notice be issued to the parties by the High Court, as the parties are aware of the proceedings which were pending in the High Court. It would be open to the High Court to pass appropriate interim/final order after hearing the parties and perusal of the record.

5. The parties shall appear before the High Court on 31st August, 2015. The respondent shall file counter affidavit within one week from the date of receipt of this order and rejoinder thereto shall be filed within one week thereafter.

6. In the meantime, the interim order passed by this Court on 8th July, 2015 shall continue. However, subject to the outcome of the writ petition, payment shall be made for the trolleys which have already been supplied as ordered by this Court on 3rd August, 2015.

7. The appeal is, accordingly, disposed of as above with no order as to costs. Pending applications also stand

disposed of. We make it clear that we have not expressed any opinion on the merits of the matter.

8. Intimation of this order be sent to the High Court forthwith.

.....J.
[ANIL R. DAVE]

.....J.
[KURIAN JOSEPH]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
August 19, 2015.

JUDGMENT