

difficulty that has arisen because of the passengers who are stranded on foreign soil at the airports after they were issued valid tickets for travel.

According to Mr. Mehta, learned Solicitor General, this has resulted in a lot of anxiety and difficulties arising from want of proper shelter, money, etc., at the foreign airports. Moreover, in some cases, the travel plan of families who were travelling together has been disrupted because those in the families who had middle seats have to be off loaded and remain behind.

We are of the considered view that the petitioner - Air India should be allowed to operate the non-scheduled flights with the middle seats booking upto 6th June, 2020. However, after that the Air India will operate non-scheduled flights in accordance with the interim order to be passed by the Bombay High Court thereafter.

In these circumstances, we propose to remand the matter to the Bombay High Court with a request to the High Court to pass an effective interim order after hearing all concerned on the date fixed i.e. 2nd June, 2020 by it or soon thereafter.

At this juncture, we would consider it necessary for the High Court to arrive at a prima facie finding regarding the safety and health of the passengers qua the COVID-19 virus, whether the flight is scheduled flight or a non-scheduled flight.

Order accordingly.

We make it clear that the Director General of Civil Aviation is free to alter any norms he may consider necessary during the pendency of the matter in the interest of public health and safety of the passengers rather than of commercial considerations.

Needless to mention that in case the respondents feel aggrieved by this order, it shall be open to them to approach this Court.

The instant special leave petitions are disposed of in the above terms.

As a sequel to the above, pending interlocutory applications, if any, stand disposed of.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER

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