

HIGH COURT OF SIKKIM
Record of Proceedings

IA No. 03/2019
(Arising out of WP(C) No. 72 of 2017)

HANTEY GYATSO KAZI

PETITIONER (S)

VERSUS

THE STATE OF SIKKIM & ORS.

RESPONDENT (S)

Date: 28/02/2019

CORAM :

HON'BLE MR. JUSTICE VIJAI KUMAR BIST, CJ.

For Petitioner(s) : Mr. N. Rai, Sr. Advocate
Ms. Tamanna Chhetri, Advocate
Ms. Malati Sharma, Advocate

For Respondent (s) : Mr. Thinlay Dorjee Bhutia, Govt.
For R-1, R-2, R-3, R-5 & Advocate and Ms Sabina Chettri,
R-6 Advocate (R-3)

For R-4 : Mr. Manish Kr. Jain, Advocate.

For Claims : Mr. D.K. Siwakoti, Advocate.
Commissioner

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Writ Petition No. 72 of 2017 was disposed of by this Court on 15.11.2018, directing the Claims Commissioner to decide the claim of the petitioner in accordance with law within a period of three months from the date of filing of claim petition before him. Three months time has passed. Now, an application, being I.A. No. 3 of 2019, has been moved by the Claims Commissioner seeking extension of time.

2. It is submitted by Mr. D.K. Siwakoti, learned counsel for the applicant, that under the provision of Rule 5 of the Sikkim Greenfield Airport, Pakyong (Settlement of Claims for Loss and

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Damages) Rules, 2019, there is requirement for adducing evidence which will require some time and consequently, it has become necessary that some more time be granted so that evidence can be adduced, documents be examined and hearing of parties be completed. Request is made for grant of four months time for deciding the claim.

3. Mr. N. Rai, learned Senior Counsel, submitted that only shortest time be given to the Claims Commissioner. Mr. Manish Jain, learned counsel for the Airport Authority of India also submitted that time should be granted to the Claims Commissioner.

4. Considered the submissions of learned counsel for the parties.

5. I am of the view that some reasonable time should be granted to the Claims Commissioner. Therefore, I dispose of this application (I.A. No. 3 of 2019) by permitting the Claims Commissioner to decide the claim filed by the petitioner before him, on or before 15.05.2019.

6. Learned counsel for the Airport Authority of India undertakes to file his objection before the Claims Commissioner within a period of two weeks' from today.

Chief Justice
28.02.2019

Index : ~~Yes~~ / No
Internet : Yes / ~~No~~