

# **AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL**

## **APPEAL NO. 3 OF 2010**

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 20.05.2010 passed by the Airports Economic Regulatory Authority of India]

### **CORAM**

Hon'ble Dr. Justice Arijit Pasayat  
Chairman

Hon'ble Mrs. Pravin Tripathi  
Member

### **In the matter of :**

***Delhi International Airport Private Ltd. (DIAL) ... Appellant***

### ***Versus***

***AERA & anr. ... Respondents***

**Appearances :** Mr. Gopal Jain and Mr. Ankur Sood, Advocates for the Appellants  
Mr. Atul Nanda, Sr. Advocate with Ms. Rameeza Hakeem , Advocate for Respondent No. 1  
Mr. Amit Kapoor with Ms. Poonam Verma, Advocates for Respondent No. 3

### **ORDER**

11th May, 2011

We have heard the learned counsel for the appellant and the respondents. Challenge in this appeal is to the order dated 20<sup>th</sup> May, 2010 passed by the Airport Economic Regulatory Authority of India (in short the "Regulatory Authority"). The order has been described as order No. 3 of 2010-11. The subject matter of consideration by the Regulatory Authority was 10% increase in aeronautical charges as requested by the Delhi International Airport Private Limited (in short the "DIAL") and Mumbai International Airport Pvt. Ltd. ( in short the "MIAL").

2. On perusal of the impugned order, we find that the Regulatory Authority has taken note of various stands of the parties and has in paragraph 9 summarized its opinion. There is no independent discussion on the various stands of the parties. In a case of this nature, it was imperative for the Regulatory Authority to indicate reasons in short of its conclusions.

3. Mere mention that it has considered the rival stands is not sufficient.

4. The necessity of giving reason by a body or authority in support of its decision came up for consideration before the Hon'ble Supreme Court in several cases. Initially the Court recognized a sort of demarcation between administrative orders and quasi judicial orders but with the passage of time the distinction between the two got blurred and thinned out and virtually reached a vanishing point in the judgment of the Court in A.K. Kriapak Vs. Union of India (1969) 2 SCC 262.

5. In Keshav Mills Co. Ltd. Vs. Union of India (1973), the Court approvingly referred to the opinion of Lord Denning in R. V. Gaming Board for Great Britain, ex p Benaim (1970) 2 Q 13 417 and quoted him as saying "that heresy was scotched in Ridge Vs. Baldwin" (1964) AC 40.

6. The expression "speaking order" was first coined by Lord Chancellor Earl Cairns in a rather strange context. The Lord Chancellor, while explaining the ambit of the writ of certiorari, referred to orders with errors on the fact of the record and pointed out that an order with errors on its face, is a speaking order. (See pp. 1878-97, Vol.4, Appeal Cases 30 at 40 of the Report).

7. The Hon'ble Supreme Court always opined that the face of an order passed by a quasi-judicial authority or even an administrative authority affecting the rights of parties, must speak. It must not be like the "inscrutable face of a sphinx".

8. In Siemens Engg. and Mfg. Co. of India Ltd. V. Union of India (1976) 2 SCC981, the Court held that it is far too well settled that an authority in making an order in exercise of its quasi-judicial function, must record reasons in support of the order it makes. The learned Judges emphatically said that every quasi-judicial order must be supported by reasons. The rule requiring reasons in support of a quasi-judicial order is, the Court held, as basic as following the principles of natural

justice. And the rule must be observed in its proper spirit. A mere pretence of compliance would not satisfy the requirement of law.

9. In *Kranti Associates Private Limited and Another Vs. Massood Ahmed Khan and Anr.* (2010) 9 SCC 496 inter alia held as follows:-

- (j) Insistence on reason is a requirement for both judicial accountability and transparency.
- (k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process than it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.
- (n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence.

In that case, order of the National Consumer Disputes Redressal Commission dated 04.04.2008 gave some reasons in its finding. The reasons, inter alia, are as under:-

“We have gone through the orders of the District Forum and the State Commission, perused the record placed before us and heard the parties at length. The State Commission has rightly confirmed the order of the District Forum after coming to the conclusion that the petitioner and the builder, Respondents 3 and 4 have colluded with each other and hence, directed them to compensate the complainant for the harassment caused to them.”

The Hon'ble Court held that the same was not sufficient compliance of the requirement to record reasons.

10. Therefore, without expressing any opinion on the merits of the case we set aside the impugned order and remit the matter to the Regulatory Authority to pass a reasoned order after grant of opportunity to the parties for hearing and to place further materials, if any. The exercise shall be undertaken within a period of ten weeks. If the Regulatory Authority requires any material to be produced it is but imperative that the same shall be supplied by the appellant. We note the stand of Mr. Nanda that a final determination has to be done in each case.

**(Dr. Justice Arijit Pasayat)**  
**Chairman**

**(Pravin Tripathi)**  
**Member**

**AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL**

**APPEAL NO. 2 OF 2010**

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 20.05.2010 passed by the Airports Economic Regulatory Authority of India]

**CORAM**

Hon'ble Dr. Justice Arijit Pasayat  
Chairman

Hon'ble Mrs. Pravin Tripathi  
Member

**In the matter of :**

***Mumbai International Airport Pvt. Ltd (MIAL) ... Appellant***

***Versus***

***AERA & anr. ... Respondents***

**Appearances :** Mr. P. S. Narsimha, Sr. Advocate with Mr. Sakya Singha Chaudhuri, and Mr. Rahul Singh, Advocates for the Appellants  
Mr. Atul Nanda, Sr. Advocate with Ms. Rameeza Hakeem ,  
Advocate for Respondent No. 1  
Mr. Amit Kapoor with Ms. Poonam Verma, Advocates for  
Respondent No. 3

**ORDER**

11th May, 2011

We have heard the learned counsel for the appellant and the respondents.

Challenge in this appeal is to the order dated 20<sup>th</sup> May, 2010 passed by the Airport Economic Regulatory Authority of India (in short the "Regulatory Authority"). The order has been described as order No. 3 of 2010-11. The subject matter of consideration by the Regulatory Authority was 10% increase in aeronautical charges as requested by the Delhi International Airport Private Limited (in short the "DIAL") and Mumbai International Airport Pvt. Ltd. ( in short the "MIAL").

2. On perusal of the impugned order, we find that the Regulatory Authority has taken note of various stands of the parties and has in paragraph 9 summarized its opinion. There is no independent discussion on the various stands of the parties. In a case of this nature, it was imperative for the Regulatory Authority to indicate reasons in short of its conclusions.

3. Mere mention that it has considered the rival stands is not sufficient.
4. The necessity of giving reason by a body or authority in support of its decision came up for consideration before the Hon'ble Supreme Court in several cases. Initially the Court recognized a sort of demarcation between administrative orders and quasi judicial orders but with the passage of time the distinction between the two got blurred and thinned out and virtually reached a vanishing point in the judgment of the Court in A.K. Kriapak Vs. Union of India (1969) 2 SCC 262.
5. In Keshav Mills Co. Ltd. Vs. Union of India (1973), the Court approvingly referred to the opinion of Lord Denning in R. V. Gaming Board for Great Britain, ex p Benaim (1970) 2 Q 13 417 and quoted him as saying "that heresy was scotched in Ridge Vs. Baldwin" (1964) AC 40.
6. The expression "speaking order" was first coined by Lord Chancellor Earl Cairns in a rather strange context. The Lord Chancellor, while explaining the ambit of the writ of certiorari, referred to orders with errors on the fact of the record and pointed out that an order with errors on its face, is a speaking order. (See pp. 1878-97, Vol.4, Appeal Cases 30 at 40 of the Report).
7. The Hon'ble Supreme Court always opined that the face of an order passed by a quasi-judicial authority or even an administrative authority affecting the rights of parties, must speak. It must not be like the "inscrutable face of a sphinx".
8. In Siemens Engg. and Mfg. Co. of India Ltd. V. Union of India (1976) 2 SCC981, the Court held that it is far too well settled that an authority in making an order in exercise of its quasi-judicial function, must record reasons in support of the order it makes. The learned Judges emphatically said that every quasi-judicial order must be supported by reasons. The rule requiring reasons in support of a quasi-

judicial order is, the Court held, as basic as following the principles of natural justice. And the rule must be observed in its proper spirit. A mere pretence of compliance would not satisfy the requirement of law.

9. In *Kranti Associates Private Limited and Another Vs. Massood Ahmed Khan and Anr.* (2010) 9 SCC 496 inter alia held as follows:-

- (j) Insistence on reason is a requirement for both judicial accountability and transparency.
- (k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process than it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.
- (n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence.

In that case, order of the National Consumer Disputes Redressal Commission dated 04.04.2008 gave some reasons in its finding. The reasons, inter alia, are as under:-

“We have gone through the orders of the District Forum and the State Commission, perused the record placed before us and heard the parties at length. The State Commission has rightly confirmed the order of the District Forum after coming to the conclusion that the petitioner and the builder, Respondents 3 and 4 have colluded with each other and hence, directed them to compensate the complainant for the harassment caused to them.”

The Hon'ble Court held that the same was not sufficient compliance of the requirement to record reasons.

10. Therefore, without expressing any opinion on the merits of the case we set aside the impugned order and remit the matter to the Regulatory Authority to pass a reasoned order after grant of opportunity to the parties for hearing and to place further materials, if any. The exercise shall be undertaken within a period of ten weeks. If the Regulatory Authority requires any material to be produced it is but imperative that the same shall be supplied by the appellant. We note the stand of Mr. Nanda that a final determination has to be done in each case.

**(Dr. Justice Arijit Pasayat)**  
**Chairman**

**(Pravin Tripathi)**  
**Member**



**AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL  
MINISTRY OF CIVIL AVIATION  
GOVERNMENT OF INDIA**

**APPEAL NO. 5 OF 2010**

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 04.11.2010 passed by the Airports Economic Regulatory Authority of India]

**CORAM**

Hon'ble Dr. Justice Arijit Pasayat  
Chairman

Hon'ble Mrs. Pravin Tripathi  
Member

**In the matter of :**

***Mumbai International Airport Pvt. Ltd (MIAL)***        ...        ***Appellant***

***Versus***

***AERA & anr.***   ...        ***Respondents***

**Appearances :** Mr. C. Aryama Sundaram and Mr. P. S. Narsimha, Sr. Advocates with Mr. Sakya Singha Chaudhuri, and Mr. Rahul Singh, Advocates for the Appellants  
Mr. Atul Nanda, Sr. Advocate with Ms. Rameeza Hakeem , Advocate for Respondent No. 1  
Mr. Amit Kapoor with Ms. Poonam Verma, Advocates for Respondent Nos. 3 and 6

**ORDER**

11th May, 2011

Four weeks time is granted to the parties to complete the pleadings i.e. by filing counter-affidavit of the reply where it has not been filed and to file the rejoinder to the counter-affidavit. The entire exercise shall be done within a period of six weeks. List the matter on 6<sup>th</sup> July, 2011.

**(Dr. Justice Arijit Pasayat)**  
**Chairman**

**(Pravin Tripathi)**  
**Member**

**AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL**

**APPEAL NO. 6 OF 2011**

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 05.01.2011 passed by the Airports Economic Regulatory Authority of India]

**CORAM**

Hon'ble Dr. Justice Arijit Pasayat  
Chairman

Hon'ble Mrs. Pravin Tripathi  
Member

**In the matter of :**

***Mumbai International Airport Pvt. Ltd (MIAL) ... Appellant***

***Versus***

***AERA ... Respondent***

**Appearances :** Mr. P. S. Narsimha, Sr. Advocates with Mr. Sakya Singha Chaudhuri, and Mr. Rahul Singh, Advocates for the Appellants  
Mr. Atul Nanda, Sr. Advocate with Ms. Rameeza Hakeem and Mr. Naresh Kaushik, Advocates for Respondent

**ORDER**

11th May, 2011

The affidavit on behalf of the respondent has been filed. Learned counsel for the appellant wants to file a rejoinder. Let it be done within six weeks. List the matter on 6<sup>th</sup> July, 2011.

**(Dr. Justice Arijit Pasayat)  
Chairman**

**(Pravin Tripathi)  
Member**

**AUTHORITY APPELLATE TRIBUNAL**

**APPEAL NO. 02 OF 2011**

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 12.01.2011 passed by the Airports Economic Regulatory Authority of India]

**CORAM**

Hon'ble Dr. Justice Arijit Pasayat  
Chairman

Hon'ble Mrs. Pravin Tripathi  
Member

**In the matter of :**

**Bangalore International Airport  
Limited (BIAL)**

**... Appellant**

***Versus***

***UOI & Ors.***

**... Respondents**

**Appearances :** Dr. Abhishek Manu Singhvi, Sr. Advocate with Mr. Ankur Chawla, Mr. Ashish Jha and Ms. Pallavi Langar, Mr. Sajan Poovayya, Mr. Akhil Anand and Mr. Anesh Patnaik, Advocates for the Appellant. Mr. Atul Nanda, Sr. Advocate with Mr. Naresh Kaushik, Ms. Rameeza Hakeem and Mr. Alok Kaushik, Advocates for Respondent No. 2

**ORDER**

11th May, 2011

This appeal prima facie is not maintainable because there is no determination of tariff and therefore the provision of Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 (in short the "Act") have no application. The appeal is held not to be maintainable. It is made clear that we have not expressed any opinion on merits and have decided only the question of maintainability. This observation shall, however, not apply in case of Appeal No. 7 of 2011.

**(Dr. Justice Arijit Pasayat)  
Chairman**

**(Pravin Tripathi)  
Member**

**AUTHORITY APPELLATE TRIBUNAL**

**APPEAL NO. 07 OF 2011**

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 28.02.2011 passed by the Airports Economic Regulatory Authority of India]

**CORAM**

Hon'ble Dr. Justice Arijit Pasayat  
Chairman

Hon'ble Mrs. Pravin Tripathi  
Member

**In the matter of :**

**Bangalore International Airport  
Limited (BIAL)**

**... *Appellant***

***Versus***

***UOI & Ors.***

**... *Respondents***

**Appearances :** Dr. Abhishek Manu Singhvi, Sr. Advocate with Mr. Ankur Chawla, Mr. Ashish Jha and Ms. Pallavi Langar, Mr. Sajan Poovayya, Mr. Akhil Anand and Mr. Anesh Patnaik, Advocates for the Appellant. Mr. Atul Nanda, Sr. Advocate with Mr. Naresh Kaushik, Ms. Rameeza Hakeem and Mr. Alok Kaushik, Advocates for Respondent No. 2

**ORDER**

11th May, 2011

Reply by the respondent has not been filed. It shall be done within four weeks. If any rejoinder is to be filed, the same shall be done within three weeks thereafter. The matter shall be listed on 6<sup>th</sup> July, 2011.

In the meantime, without prejudice to the stands taken, let the requisite information/details/data/tariff proposal be furnished by the appellant to the Regulatory Authority. It may continue the process of the determination, but shall not make a final determination without leave of this Court. Time for submission of information/details/data/tariff proposal/details is extended till 31<sup>st</sup> July, 2011. It is made clear that since the tariff proposal/information/data/details are being directed to be given without prejudice to the claims involved, they shall be treated as confidential by the Regulatory Authority.

**(Dr. Justice Arijit Pasayat)  
Chairman**

**(Pravin Tripathi)  
Member**

**AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL  
MINISTRY OF CIVIL AVIATION  
GOVERNMENT OF INDIA**

**APPEAL NO. 04 OF 2011**

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 12.01.2011 passed by the Airports Economic Regulatory Authority of India]

**CORAM**

Hon'ble Dr. Justice Arijit Pasayat  
Chairman

Hon'ble Mrs. Pravin Tripathi  
Member

**In the matter of :**

**GMR Hyderabad Airport Ltd. (HIAL)**

**... *Appellant***

***Versus***

***AERA & anr.***

**... *Respondents***

**Appearances :** Mr. T. Andhyarujuna, Sr. Advocate with Mr. Jatin Aneja,  
Mr. Lynn Pereira, Mr. V. R. Neelkantan and Mr. Kartik Nayar,  
Advocates for the Appellant  
Mr. Atul Nanda, Sr. Advocate with Mr. Naresh Kaushik, Ms.  
Rameeza Hakeem and Mr. Alok Kaushik, Advocates for  
Respondent No. 2

**ORDER**

11th May, 2011

This appeal prima facie is not maintainable because there is no determination of tariff and therefore the provision of Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 (in short the "Act") have no application. The appeal is held not to be maintainable. It is made clear that we have not expressed any opinion on merits and have decided only the question of maintainability.

**(Dr. Justice Arijit Pasayat)  
Chairman**

**(Pravin Tripathi)  
Member**

**AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL**

**APPEAL NO. 08 OF 2011**

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 28.02.2011 passed by the Airports Economic Regulatory Authority of India]

**CORAM**

Hon'ble Dr. Justice Arijit Pasayat  
Chairman

Hon'ble Mrs. Pravin Tripathi  
Member

**In the matter of :**

**GMR Hyderabad Airport Ltd. (HIAL)**

**... Appellant**

***Versus***

***AERA & anr.***

**... Respondents**

**Appearances :** Mr. T. Andhyarujuna, Sr. Advocate with Mr. Jatin Aneja, Mr. Lynn Pereira, Mr. V. R. Neelkantan and Mr. Kartik Nayar, Advocates for the Appellant  
Mr. Atul Nanda, Sr. Advocate with Mr. Naresh Kaushik, Ms. Rameeza Hakeem and Mr. Alok Kaushik, Advocates for Respondent No. 1

**ORDER**

11th May, 2011

The matter shall be listed on 6<sup>th</sup> July, 2011.

In the meantime, without prejudice to the stands taken, let the requisite information/details/data/tariff proposal be furnished by the appellant to the Regulatory Authority. It may continue the process of the determination, but shall not make a final determination without leave of this Court. Time for submission of information/details/data/tariff proposal/details is extended till 31<sup>st</sup> July, 2011. It is made clear that since the tariff proposal/information/data/details are being directed to be given without prejudice to the claims involved, they shall be treated as confidential by the Regulatory Authority.

**(Dr. Justice Arijit Pasayat)**  
**Chairman**

**(Pravin Tripathi)**  
**Member**



**AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL**  
**APPEAL NO. 10 OF 2011**

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the direction No. 5 of order dated 28.02.2011 passed by the Airports Economic Regulatory Authority of India]

**CORAM**

Hon'ble Dr. Justice Arijit Pasayat  
Chairman

Hon'ble Mrs. Pravin Tripathi  
Member

**In the matter of :**

**GMR Hyderabad Airport Ltd. (HIAL)**

... **Appellant**

***Versus***

**AERA & anr.**

... **Respondents**

**Appearances :** Mr. T. Andharujina, Sr. Advocate with Mr. Lynn Pereira, Mr. Kartik Nayar and Ms. Radhika Arora, Advocates for the Appellant

Mr. Atul Nanda, Sr. Advocate with Ms. Rameeza Hakeem, Ms. Amita Kalkal and Mr. Naresh Kaushik, Advocates for Respondent No.1

**ORDER**

11th May, 2011

Reply by the respondent has not been filed. It shall be done within four weeks. If any rejoinder is to be filed, the same shall be done within three weeks thereafter. The matter shall be listed on 6<sup>th</sup> July, 2011.

In the meantime, without prejudice to the stands taken, let the requisite information/details/data/tariff proposal be furnished by the appellant to the Regulatory Authority. It may continue the process of the determination, but shall not make a final determination without leave of this Court. Time for submission of information/details/data/tariff proposal/details is extended till 31<sup>st</sup> July, 2011. It is made clear that since the tariff proposal/information/data/details are being directed to be given without prejudice to the claims involved, they shall be treated as confidential by the Regulatory Authority.

**(Dr. Justice Arijit Pasayat)**  
**Chairman**

**(Pravin Tripathi)**  
**Member**



**AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL**

**APPEAL NO. 03 OF 2011**

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 12.01.2011 passed by the Airports Economic Regulatory Authority of India]

**CORAM**

Hon'ble Dr. Justice Arijit Pasayat  
Chairman

Hon'ble Mrs. Pravin Tripathi  
Member

**In the matter of :**

**Cochin International Airport  
Limited (CIAL)**

**... Appellant**

***Versus***

**AERA**

**... Respondent**

**Appearances :** Mr. T. Andharujina, Sr. Advocate with Mr. Lynn Pereira, Mr. Kartik Nayar and Ms. Radhika Arora, Advocates for the Appellant

Mr. Atul Nanda, Sr. Advocate with Ms. Rameeza Hakeem, Ms. Amita Kalkal and Mr. Naresh Kaushik, Advocates for Respondent

**ORDER**

11th May, 2011

This appeal prima facie is not maintainable because there is no determination of tariff and therefore the provision of Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 (in short the "Act") have no application. The appeal is held not to be maintainable. It is made clear that we have not expressed any opinion on merits and have decided only the question of maintainability.

**(Dr. Justice Arijit Pasayat)  
Chairman**

**(Pravin Tripathi)  
Member**

**AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL**  
**APPEAL NO. 09 OF 2011**

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 28.02.2011 passed by the Airports Economic Regulatory Authority of India]

**CORAM**

Hon'ble Dr. Justice Arijit Pasayat  
Chairman

Hon'ble Mrs. Pravin Tripathi  
Member

**In the matter of :**

**Cochin International Airport  
Limited (CIAL)**

**... *Appellant***

***Versus***

**AERA**

**... *Respondent***

**Appearances :** Mr. T. Andharujina, Sr. Advocate with Mr. Lynn Pereira, Mr. Kartik Nayar and Ms. Radhika Arora, Advocates for the Appellant  
Mr. Atul Nanda, Sr. Advocate with Ms. Rameeza Hakeem, Ms. Amita Kalkal and Mr. Naresh Kaushik, Advocates for Respondent

**ORDER**

11th May, 2011

Reply by the respondent has not been filed. It shall be done within four weeks. If any rejoinder is to be filed, the same shall be done within three weeks thereafter. The matter shall be listed on 6<sup>th</sup> July, 2011.

In the meantime, without prejudice to the stands taken, let the requisite information/details/data/tariff proposal be furnished by the appellant to the Regulatory Authority. It may continue the process of the determination, but shall not make a final determination without leave of this Court. Time for submission of information/details/data/tariff proposal/details is extended till 31<sup>st</sup> July, 2011. It is made clear that since the tariff proposal/information/data/details are being directed to be given without prejudice to the claims involved, they shall be treated as confidential by the Regulatory Authority.

**(Dr. Justice Arijit Pasayat)**  
**Chairman**

**(Pravin Tripathi)**  
**Member**

**AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL**  
**APPEAL NO. 11 OF 2011**

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the direction No. 5 of order dated 28.02.2011 passed by the Airports Economic Regulatory Authority of India]

**CORAM**

Hon'ble Dr. Justice Arijit Pasayat  
Chairman

Hon'ble Mrs. Pravin Tripathi  
Member

**In the matter of :**

**Cochin International Airport  
Limited (CIAL)**

**... *Appellant***

***Versus***

**AERA**

**... *Respondent***

**Appearances :** Mr. T. Andharujina, Sr. Advocate with Mr. Lynn Pereira, Mr. Kartik Nayar and Ms. Radhika Arora, Advocates for the Appellant

Mr. Atul Nanda, Sr. Advocate with Ms. Rameeza Hakeem, Ms. Amita Kalkal and Mr. Naresh Kaushik, Advocates for Respondent

**ORDER**

11th May, 2011

Reply by the respondent has not been filed. It shall be done within four weeks. If any rejoinder is to be filed, the same shall be done within three weeks thereafter. The matter shall be listed on 6<sup>th</sup> July, 2011.

In the meantime, without prejudice to the stands taken, let the requisite information/details/data/tariff proposal be furnished by the appellant to the Regulatory Authority. It may continue the process of the determination, but shall not make a final determination without leave of this Court. Time for submission of information/details/data/tariff proposal/details is extended till 31<sup>st</sup> July, 2011. It is made clear that since the tariff proposal/information/data/details are being directed to be given without prejudice to the claims involved, they shall be treated as confidential by the Regulatory Authority.

**(Dr. Justice Arijit Pasayat)**  
**Chairman**

**(Pravin Tripathi)**  
**Member**