

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

**O/o Competition Appellate Tribunal
19th Floor, Jawahar Vyapar Bhawan,
Tolstoy Marg, New Delhi 110 001**

APPEAL NO. 1 OF 2010

(Arising out of the Order No. 1/2010 dated 5.5.2010 passed by the Airports Economic Regulatory Authority of India Act, 2008 in the matter of levy of UDF at Trivandrum International Airport).

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Mrs. Pravin Tripathi
Member

In the matter of :

State of Kerala & anr.

... Appellants

Versus

AERA & anr.

... Respondents

Appearances : None for the appellants
Mr. Atul Nanda, Sr. Advocate with
Ms. Sugandha, for Ms. Rameeza Hakeem, Advocates for
Respondent No. 1

ORDER

6th April, 2011

We have heard Shri Atul Nanda, learned counsel for the respondent. From the impugned order, it is styled as an *ad-hoc* one. Without entering into the question as to whether there is any provision for *ad-hoc* determination of tariff we dispose of the present appeal with the following directions :-

1. The determination of the tariff as prescribed in the Airports Economic Regulatory Authority of India Act, 2008 (in short the "Act") shall be done as early as practicable. Such expeditious determination would be in the interest of all the stake-holders.
2. Till the final determination is made, the interim arrangement pursuant to the order dated 9th February, 2011 shall continue to be operative.

We make it clear that we have not expressed any opinion on the aspects which are to be gone into by the Authority while making determination of the tariff.

The appeal is accordingly disposed of.

Later Shri P.V. Dinesh, advocate for the appellants appeared and noted.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

COMPETITION APPELLATE TRIBUNAL

NEW DELHI

APPEAL NO. 10 OF 2010

[Under Section 53B of the Competition Act, 2002 against the order dated 21.10.2010 passed by the Competition Commission of India in Case No. Misc. 1/2010 (4/2009)].

CORAM

Hon'ble Dr. Justice Arijit Pasayat

Chairman

Hon'ble Shri Rahul Sarin

Member

Hon'ble Ms. Pravin Tripathi

Member

In the matter of :

Kingfisher Airlines Limited

... Appellant

Versus

Competition Commission of India & Ors.

... Respondents

Appearances : Shri Ashok Desai, Sr. Advocate, Sh. Mustafa Doctor, Sh. Ajay Bhargava, Ms. Vanita Bhargava with Sh. Diwakar Maheshwari, Advocates for the Appellant.

Sh. Ramji Srinivasan, Sr. Advocate, Sh. Sparsh Bhargava, Sh. Samir Gandhi with Sh. Zeyaul Haque, Advocates for Respondents Nos. 1 and 2.

Shri Shadab Anwar, Adv. for Respondent/Informant

ORDER

7th April, 2011

Orders reserved.

Written notes, if any, shall be filed within one week.

[Dr. Arijit Pasayat]

Chairman

[Rahul Sarin]

Member

[Pravin Tripathi]

Member