

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

APPEAL No. 12/2011

(with IA. No.5 & 6)

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the Orders Nos. 5, 12, 17 and Direction No. 4 passed by the Airports Economic Regulatory Authority of India)

CORAM

Hon'ble Mr. Justice V.S. Sirpurkar
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Mrs. Pravin Tripathi
Member

In the matter of :

Bangalore Int'l Airport Limited (BIAL)
V/s.

...Appellant

AERA & Anr.

.... Respondents

Appearances:

Mr. Arvind P. Datar, Sr. Advocate with Mr. Ashish Jha, Ms. Pallavi Langar and Mr. Manu Kulkarni, Advocates for the Appellant.

Mr. Atul Nanda, Senior Advocate with Ms. Rameeza Hakeem, Mr. Naresh Kaushik and Ms. Sanjana Ramachandran, Advocates for AERA.

Ms. Anjana Gosain, Advocate for UOI (MCA)

Mr. Ramji Srinivasan, Sr. Advocate with Ms. Poonam Verma, Ms. Sadapurna Mukherjee & Ms. Kabita Das, Advocates for Menzies Aviation Bobba/Applicant

Ms. Padma Priya, Advocate for Air India SATS/Applicant

ORDER
03rd May, 2013

By an order dated 15th February, 2013, this Tribunal had disposed of appeals No. 07, 08, 09, 10 & 11 of 2011 with the directions to the AERA to complete the exercise of determination of tariff. We had also directed therein that AERA would give opportunity to all the stakeholders to raise all the pleas and contentions and consider the same. We had requested the AERA to complete the determination of tariff as expeditiously as possible. In this, we had taken a view that it would not be appropriate to entertain the appeals at different stages of determination. We, thus, had expressed specifically that all the pleas could be taken before AERA while determination of the final tariff. In those appeals, Shri Nanda had specifically made a statement that all the pleas and defenses including those relating to impugned

guidelines could be considered by AERA on their own merits despite the guidelines issued by AERA in appeal Nos. 08, 09, 10 & 11 of 2011.

2. In view of this, Shri Datar, Senior Advocate, after considerable arguments, seeks to withdraw this appeal also, since the appeal against the guidelines on the issues of cargo handling, fuel supply and ground handling services have already been decided. He, however, seeks an opportunity to file an appeal against the final tariff order. It is reported that the final tariff order has now been passed. He also seeks an opportunity to raise all the questions raised herein in his appeal for filing which, he seeks an opportunity. We allow the withdrawal with the liberty sought for by him.

3. Shri Datar expressed his apprehension that in case he chooses to file fresh appeal challenging the tariff, he might be required to file all the voluminous documents alongwith his fresh appeal. We, therefore, direct the office that the records of this appeal shall be kept intact and at the time of final arguments, the parties would be allowed to use those records.

4. We had by our order dated 19th October, 2011, directed that the tariff so decided in case of the three services mentioned in the earlier paragraph would not be implemented unless the leave is obtained from this Tribunal. In view of the disposal of this appeal, those orders would stand 'withdrawn' and in the result the implementation of tariff may now commence.

(Justice V.S. Sirpurkar)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

APPEAL No. 01/2013

with I.A. No.02, 03 & 21/2013

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 15.01.2013 passed by the Airports Economic Regulatory Authority of India)

CORAM

Hon'ble Mr. Justice V.S. Sirpurkar
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Mrs. Pravin Tripathi
Member

In the matter of :

Business Aircrafts Operators Association

...Appellant

V/s.

Mumbai Int'l Airport Pvt. Ltd. and Anr. (AERA)

.... Respondents

Appearances :

Mr. Ramji Srinivasan, Senior Advocate with Mr. Sumeet Lall, Mr. Shwetabh Sinha & Ms. Kabita Das, Advocates for the Appellant.

Mr. Krishnan Venugopal, Sr. Advocate with Mr. Sakya Singh Chaudhari, Mr. Gautam Chawla & Mr. Gaurav Ray, Advocates for Respondent No.1 (MIAL).

Mr. Atul Nanda, Sr. Advocate with Ms. Rameeza Hakeem & Ms. Sanjana Ramachandran, Advocates for AERA

ORDER
03rd May, 2013

List the matter for continued hearing on **07th May, 2013**.

(Justice V.S. Sirpurkar)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

APPEAL No. 06/2012

(with I.A. No. 10 of 2012 & 15/2013)

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the Order dated 20.04.2012 passed by the Airports Economic Regulatory Authority of India)

CORAM

Hon'ble Mr. Justice V.S. Sirpurkar
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Mrs. Pravin Tripathi
Member

In the matter of :

Federation of Indian Airlines (FIA)

...Appellant

V/s.

AERA & Anr. (DIAL)

.... Respondents

Appearance:

Mr. U.U. Lalit & Mr. Ramji Srinivasan, Senior Advocates with Ms. Poonam Verma, Ms. Sadapurna Mukherjee, Advocates for the Appellant.

Mr. Atul Nanda, Senior Advocate with Mr. Naresh Kaushik, Ms. Rameeza Hakeem and Ms. Sanjana Ramachandran, Advocates for AERA.

Mr. Gopal Jain with Mr. Ankur Sood, Advocates for DIAL

Ms. Anjana Gosain, Advocate for UOI(MCA)

Ms. Rameeza Hakeem with Ms. Sanjana, Advocates for AAI.

ORDER
03rd May, 2013

Ms. Anjana Gosain, the counsel appearing for Ministry of Civil Aviation, states to file their reply. The reply be filed within a week.

List this matter for hearing on **25th July, 2013**.

(Justice V.S. Sirpurkar)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

APPEAL No. 11/2012

(with I.As. No.11 & 21 of 2012)

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 20.04.2012 passed by the Airports Economic Regulatory Authority of India)

CORAM

**Hon'ble Mr. Justice V.S. Sirpurkar
Chairman**

**Hon'ble Mr. Rahul Sarin
Member**

**Hon'ble Mrs. Pravin Tripathi
Member**

In the matter of :

Lufthansa German Airlines & Ors.

...Appellants

Vs.

AERA & Anr. (DIAL)

.... Respondents

Appearances : Mr. Ramesh Vaidyanathan, Senior Advocate with Mr. C.M. Shroff & Mr. Narendra Kr. Goyal, Advocates for the Appellants.

Mr. Atul Nanda, Senior Advocate with Mr. Naresh Kaushik, Ms. Rameeza Hakeem, Ms. Aditi Gupta & Ms. Sanjana Ramachandran, Advocates for AERA

Ms. Anjana Gosain, Advocate for UOI(MCA)

Ms. Rameeza Hakeem with Ms. Sanjana, Advocates for AAI.

Mr. Gopal Jain with Mr. Ankur Sood, Advocates for DIAL.

ORDER
03rd May, 2013

List alongwith connected matters for hearing on **25th July, 2013.**

**(Justice V.S. Sirpurkar)
Chairman**

**(Rahul Sarin)
Member**

**(Pravin Tripathi)
Member**

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

APPEAL No. 10/2012
with I.A. No.14 of 2012

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 20.04.2012 passed by the Airports Economic Regulatory Authority of India)

CORAM

Hon'ble Mr. Justice V.S. Sirpurkar
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Mrs. Pravin Tripathi
Member

In the matter of :

Delhi International Airport Pvt. Ltd. (DIAL)

...Appellant

V/s.

AERA & Ors.

.... Respondents

Appearances :

Mr. Gopal Jain with Mr. Ankur Sood, Advocates for the Appellant.

Mr. Atul Nanda, Senior Advocate with Mr. Naresh Kaushik, Ms. Rameeza Hakeem, Ms. Aditi Gupta and Ms. Sanjana Ramachandran, Advocates for AERA.

Mr. U.U. Lalit & Mr. Ramji Srinivasan, Senior Advocates with Ms. Poonam Verma, Ms. Sadapurna Mukherjee, Advocates for Respondent No.2 (FIA)

Ms. Anjana Gosain, Advocate for UOI(MCA)

Ms. Rameeza Hakeem with Ms. Sanjana, Advocates for AAI.

ORDER
03rd May, 2013

List alongwith connected matters for hearing on **25th July, 2013.**

(Justice V.S. Sirpurkar)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

APPEAL No. 12/2012

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the Order dated 20.04.2012 passed by the Airports Economic Regulatory Authority of India)

CORAM

Hon'ble Mr. Justice V.S. Sirpurkar
Chairman

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Mrs. Pravin Tripathi
Member

In the matter of :

**International Air Transport
Association (India) Pvt. Ltd. (IATA)**

...Appellant

V/s.

AERA & Anr. (DIAL)

.... Respondents

Appearance: Mr. Sujoy Kumar with Mr. Arindam Ghose, Advocates for the Appellant.

Mr. Atul Nanda, Senior Advocate with Mr. Naresh Kaushik, Ms. Rameeza Hakeem, Ms. Aditi Gupta and Ms. Sanjana Ramachandran, Advocates for AERA.

Mr. Gopal Jain with Mr. Ankur Sood, Advocates for DIAL

Ms. Anjana Gosain, Advocate for UOI(MCA)

Ms. Rameeza Hakeem with Ms. Sanjana, Advocates for AAI.

ORDER
03rd May, 2013

List alongwith connected matters for hearing on **25th July, 2013**.

(Justice V.S. Sirpurkar)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member