

**AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL**

**APPEAL No. 07/2013**

**with I.A. No. 11 of 2013 (for stay)**

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 10.01.2013 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 :**

**Express Industry Council of India  
V/s.**

**...Appellant**

**AERA & Ors. (Esquire Express/MCA)**

**.... Respondents**

**Appearances :**

Ms. Renuka Singh, Advocate for the Appellant.

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

Mr. Seetharaman Sampath with Mr. Avinash Menon, & Mr. T. Sundar Ramanathan, Advocates for R-2

Mr. T. Mitra, Advocate for Ms. Anjana Gosain, Advocate for UOI (MCA)

**ORDER**  
**10<sup>th</sup> May, 2013**

The learned Counsel for the appellant seeks time to file rejoinders to the replies filed by the respondents. Let the rejoinders be filed within two weeks.

The matter shall be listed on **25<sup>th</sup> July, 2013**.

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

**(Rahul Sarin)  
Member**

**( Pravin Tripathi )  
Member**

**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. Ashish Jha with Ms. Pallavi Langar, Advocates for the Appellant.

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

**ORDER**  
**10<sup>th</sup> May, 2013**

Shri Atul Nanda, on oral application, states that there are factual mistakes crept in the Order dated 03.05.2013. We have heard Shri Nanda, learned counsel for AERA as well as Shri Ashish Jha, learned counsel appearing for the appellant. According to Shri Jha, the Order dated 03.05.2013 does not have any such error. However, we feel that some necessary corrections would be required. The Order will now be in the following terms:-

“By an order dated 15<sup>th</sup> 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. He, however, seeks an opportunity to file an appeal against the final tariff order. It is reported that the final tariff order pertaining to independent service providers (ISPs) 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 19<sup>th</sup> October, 2011, directed that the tariff so decided in case of the three services - cargo handling, fuel supply and ground handling - would not be implemented unless the leave is obtained from this Tribunal. In view of the disposal of this appeal, that order 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**