

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

APPEAL No. 03/2013, 02/2013 & 05/2013

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the orders dated 21.12.2012 & 28.12.2012 passed by the Airports Economic Regulatory Authority of India)

CORAM

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

Hon'ble Mrs. Pravin Tripathi
Member

In the matter(s) of :

Federation of Indian Airlines Vs. AERA & Ors. (DIAL)	Appeal No.03/2013
Mumbai Int'l Airport Pvt. Ltd. (MIAL) Vs. AERA & Anr.(FIA)	Appeal No. 02/2013 (with IA No.16 & 30/2013)
Federation of Indian Airlines Vs. AERA & Ors. (MIAL)	Appeal No. 05/2013

Appearances: Ms. Poonam Verma with Ms. Divya Chaturvedi & Mr. Kunal Singh,
Advocates for FIA.

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

Mr. Atul Sharma with Mr. Milanka Chaudhury, Mr. Sarojanand Jha,
Mr. Amit Ojha & Ms. Garima Sharma, Advocates for DIAL

Mr. Sakya Singha Chaudhuri with Mr. Gautam Chawla & Mr.
Shantanu Singh, Advocates for MIAL.

MR. Sukumar Pattjoshi, Sr. Advocate with Ms. Amrita Panda,
Advocates for AAI

Mr. Pradeep Desodya with Ms. Anjana Gosain, Advocates for MCA
(UOI)

O R D E R

23rd October, 2013

List these matters on 13th December, 2013.

(Justice V.S. Sirpurkar)
Chairman

(Pravin Tripathi)
Member

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

IA No.32/2013 (for restoration of Appeal)

in

APPEAL No. 07/2012

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 08.11.2011 passed by the Airports Economic Regulatory Authority of India)

CORAM

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

Hon'ble Mrs. Pravin Tripathi
Member

In the matter of :

Delhi Int'l Airport Pvt. Ltd. (DIAL)

...Appellant

V/s.

AERA & Ors.

.... Respondents

Appearances :

Mr. Atul Sharma with Mr. Milanka Chaudhury, Mr. Sarojanand Jha, Mr. Satakshi, Mr. Amit Ojha & Ms. Garima Sharma, Advocates for the Appellant.

Mr. Atul Nanda, Senior Advocate with Mr. Naresh Kaushik & Ms. Rameeza Hakeem, Advocates for the Respondent No.1

Ms. Poonam Verma with Ms. Divya Chaturvedi & Mr. Varun Singh, Advocates for Respondent No. 2.

Mr. Pradeep Desodya with Ms. Anjana Gosain, Advocates for MCA (UOI)

ORDER

23rd October, 2013

The learned Counsel Mr. Atul Sharma, appearing on behalf of the appellant gives an explanation that this appeal was wrongly disposed of as it was treated it to be against the revised order. The explanation is satisfactory. In that view, Appeal No.07 of 2012 is hereby restored and stands with other connected appeals. IA No.32/2013 stands disposed of accordingly.

List this matter alongwith connected matters for hearing on 13th December, 2013.

(Justice V.S. Sirpurkar)
Chairman

(Pravin Tripathi)
Member

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

APPEAL No. 13/2013

(with IA No.25 & 26 of 2013)

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 28.12.2012 passed by the Airports Economic Regulatory Authority of India)

CORAM

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

Hon'ble Mrs. Pravin Tripathi
Member

In the matter of :

T.G.N. Kumar

...Appellant

V/s.

AERA & Ors. (MCA/DIAL/AAI/DGCA)

.... Respondents

Appearances :

Mr. D.K. Devesh, Advocates for the Appellant.

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

Mr. Amit Ojha & Ms. Garima Sharma, Advocates for DIAL

Mr. Sukumar Pattjoshi, Sr. Advocate with Ms. Amrita Panda, Advocates for AAI.

ORDER

23rd October, 2013

This is an application for condonation of delay in filing the appeal against the order dated 28.12.2012 of AERA. There is a substantial delay of 90 days. Under the provisions of the AERA Act, 2008, an appeal itself is supposed to be disposed of within 90 days. There are two affidavits filed in support of the application for condonation of delay. Both the affidavits are equally confusing and vague. There is no appropriate explanation as to why the delay has occurred excepting to the fact that the appellant was not aware of the Order. The appellant had withdrawn his earlier appeal on 21.03.2013 and yet he waited for upto May, 2013 to file this appeal. There is absolutely no explanation for all this delay. As the question of levy of development fee is pending before this Court in other appeals, therefore, no prejudice will be caused by the dismissal of this application as the applicant, if so wishes, can assist in those appeals while they are being argued. The condonation of delay application is rejected and so is the appeal.

(Justice V.S. Sirpurkar)
Chairman

(Pravin Tripathi)
Member

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

APPEAL No. 15/2013
(with IA No.33/2013 for condonation of delay)

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 21.12.2012 passed by the Airports Economic Regulatory Authority of India)

CORAM

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

Hon'ble Mrs. Pravin Tripathi
Member

In the matter of :

Lufthansa German Airlines & Ors. ...Appellant
V/s.

AERA & Ors. (MIAL/AAI/MCA) Respondents

Appearances : Mr. Chirag M. Shroff with Mr. Abhishek Singh, Advocates for the Appellant.

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

ORDER

23rd October, 2013

At the request of the counsel appearing for the appellant, the matter is adjourned to tomorrow.

(Justice V.S. Sirpurkar)
Chairman

(Pravin Tripathi)
Member