

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. ...Appellants
V/s.

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

Appearances : Mr. Chirag M. Shroff, Advocate for the Appellant.

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

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

O R D E R

24th October, 2013

This is an application for condonation of delay in filing the appeal. Admittedly, the appeal is delayed by 243 days on two grounds. Firstly, there is no prejudice to the respondents if the delay is condoned. Secondly, that the Head Offices of the appellant companies are located somewhere outside India and, therefore, there was time taken in filing the appeal. We are not convinced by either of these reasons. The respondents are present and opposed to the application for condonation of delay. In these days, we cannot appreciate that even if the Heads of the appellant companies, who grant approvals for filing the appeal sit somewhere else outside India, they could not have done so within proper time. We are not convinced with the reasons given. We, therefore, proceed to dismiss the application for condonation of delay as well as the appeal. However, we make it clear that at the time when the connected appeals on the same issues are heard, the appellants i.e. Lufthansa German Airlines & Others are free to assist at the time of hearing.

(Justice V.S. Sirpurkar)
Chairman

(Pravin Tripathi)
Member