

**TELECOM DISPUTES SETTLEMENT & APPELLATE TRIBUNAL  
NEW DELHI**

**Dated: 17/01/2019**

**AERA APPEAL/4/2013**

Petitioner Name: Mumbai International Airport Ltd., (mial) And Ors.

Versus

Respondent Name: Airport Economic Regulatory Authority Of India

**AERA APPEAL/11/2013**

Federation Of Indian Airlines

....Petitioner

Versus

Airport Economic Regulatory Authority Of India And Others

....Respondent

**AERA APPEAL/12/2013**

Lufthansa German Airlines And Others

....Petitioner

Versus

Airport Economic Regulatory Authority Of India And Others

....Respondent

**AERA APPEAL/14/2013**

International Air Transport Association India Pvt. Ltd. And Ors.

....Petitioner

Versus

Airport Economic Regulatory Authority Of India And Others

....Respondent

**BEFORE**

**HON'BLE MR. JUSTICE SHIVA KIRTI SINGH ,CHAIRPERSON**

**HON'BLE MR. A.K. BHARGAVA ,MEMBER**

**For Applicants/Appellants/**

**Petitioners Advocate**

Dr. Abhishek Manu Singhvi, Sr. Advocate  
Ms. Amrita Narayan,advocate Mr. Hemant  
Sahai  
Mr.ashwin Rakesh,advocate Mr. Azeem,

**For Respondents Advocate**

Mr Alok Dhir, Advocate  
Mr.k.p.s.kohli,advocate Ms. Sharmistha  
Ghosh  
Ms. Divya Chaturvedi

**Amicus Curiae:**

**For Impleader(Pet.):**

**For Impleader(Res.):**

**ORDER**

Heard learned senior counsel for the applicant, learned senior counsel for the AERA and learned counsel for FIA.

In support of the Review Application, learned counsel has referred to para 32 of the impugned order to submit that the decision given therein for confining revenues, expenses and corporate taxes

only pertaining to aeronautical services for the relevant year is without considering some important issues of law which is likely to have impact on the findings recorded herein.

According to the submission, this error is fit to be reviewed and corrected even under the provision for review in the CPC although in terms of section 29(1), CPC does not apply to this Tribunal.

From the other side, it has been submitted that while section 29(1) provides that CPC will not apply to the proceedings before this Tribunal, subsection (2) thereof is in the nature of exception and carves out power of review in this Tribunal which is to be same as vested in a Civil Court. It has further been submitted that contentions advanced in support of the review application require going into the submissions already raised and considered; only a different perspective is to be adopted if the same arguments are to be reappreciated.

According to learned senior counsel for AERA, no error apparent on the face of record is made out and if the findings are to be reversed, it would require exercise of appellate jurisdiction.

On looking at the only issue raised before us, said to be covered by para 32, we find that the discussion in respect of that issue - Regulatory Hypothetical Assets Base, begins from para 27 and concludes at para 34.

All issues of law that were raised during the arguments have been kept under consideration and we do not find any scope to exercise the review jurisdiction for considering the issue of law which learned senior counsel has pointed out.

In the light of aforesaid discussion, we are not persuaded to exercise review jurisdiction in this matter.

Review Application is accordingly dismissed.

**( S.K.SINGH )  
CHAIRPERSON**

**( A.K. BHARGAVA )  
MEMBER**