

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

APPEAL NO. 13 OF 2011

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the Public Notice / order dated 23.4.2010 passed by the Airports Economic Regulatory Authority of India]

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Mrs. Pravin Tripathi
Member

In the matter of :

Resources of Aviation Redressal Assn. (ROAR) ... Appellant

Versus

AERA & anr. ... Respondents

Appearances : Mr. Rakesh Sinha, Advocate for the Appellant
Mr. Atul Nanda, Sr. Advocate with Mr. Rajat Brar and
Ms. Rameeza Hakeem, Advocates for Respondent No. 1
Mr. Saket Singh, Advocate for R-2

ORDER
21st September, 2011

This appeal has been filed under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 (in short the "**Act**"). The appeal has been purportedly filed against the public notice / order dated 23rd April, 2010 of the Airports Economic Regulatory Authority (in short the "**Authority**").

Without going into the contentions raised as to whether the appeal is maintainable and /or the collection of fee by Respondent No. 2 is legal, we dispose of the appeals with the following directions :-

1. Pursuant to the order of the High Court of Delhi in Writ Petition (Civil) Nos. 3889 of 2011 and 3893 of 2011, collection of Airport Development Fee has been discontinued. Undisputedly, the final decision in the matter has to be taken by the Authority. It would be in the interest of all concerned if the decision is taken by the said

Authority early. That would clear the confusions and apprehensions in the minds of the parties to a great extent. The Authority would do well to take the final decision in accordance with law as early as practicable, preferably within two months.

2. Till the final decision is taken, Respondent No. 2 shall not recover the fees, as is being presently done.

We make it clear that no opinion as regards to the maintainability of the appeal or the locus standi of the appellant to file the appeal has been expressed by us. The appeal stands disposed of.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member