

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL
NEW DELHI

APPEAL NO. 2 OF 2010

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 20.05.2010 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 Ms. Pravin Tripathi
Member

In the matter of :

In the matter of :

Mumbai International Airport
Private Limited (MIAL)

... Appellant

Versus

AERA & Ors.

... Respondents

Appearances : **Shri Sitesh Mukherjee, Ms. Sakya Singha Chaudhuri**
Ms. Avijeet Lala, Advocate for the Appellant.

Shri Atul Nanda, Senior Advocate with Ms. Rameeza Hakeem and Ms. Sugandha, Advocates for Respondents Nos. 1 and 2.

Shri Amit Kapur with Ms. Poonam Verma, Advocates for Respondent No. 3.

ORDER

16th March, 2011

At the request of the learned counsel for the parties, the appeal is adjourned to **11th May, 2011.**

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL
NEW DELHI

APPEAL NO. 3 OF 2010

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 20.05.2010 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 Ms. Pravin Tripathi
Member

In the matter of :

Delhi International Airport
Private Limited (DIAL)

... Appellant

Versus

AERA & Anr.

... Respondents

Appearances : **Shri Gopal Jain with Shri Ankur Sood, Advocates for the Appellant.**

Shri Atul Nanda, Senior Advocate with Ms. Rameeza Hakeem and Ms. Sugandha, Advocates for Respondents

Nos. 1 and 2.

Shri Amit Kapur with Ms. Poonam Verma, Advocates for Respondent No. 3.

ORDER

16th March, 2011

At the request of the learned counsel for the parties, the appeal is adjourned to **11th May, 2011.**

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL
NEW DELHI

APPEAL NO. 05 OF 2010

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 04.11.2010 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 Ms. Pravin Tripathi
Member

In the matter of :

**Mumbai International Airport
Private Limited (MIAL)**

... Appellant

Versus

AERA & Ors.

... Respondents

Appearances : **Shri Rajiv Nayyar, Senior Advocate with Ms. Radhika Arora, Shri Sites Mukherjee, Ms. Sakya Singha Chaudhuri and Ms. Avijeet Lala, Advocates for the Appellant.**

Shri Atul Nanda, Senior Advocate with Ms. Rameeza Hakeem and Ms. Sugandha, Advocates for Respondents Nos. 1 and 2.

Shri Amit Kapur with Ms. Poonam Verma, Advocates for Respondent No. 3.

Ms. Ashmi Mohan, Advocate for Respondents Nos. 7 to 9.

ORDER

16th March, 2011

Reply by the respondents, if any, shall be filed within three weeks.
Rejoinder, if any, shall be filed within two weeks thereafter.

List the matter on **11th May, 2011.**

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL
NEW DELHI

APPEAL NO. 01 OF 2011

[Under Section 18 of the Airports Economic Regulatory Authority of India Act, 2008 against the Order No. 13/2010-11 dated 12.01.2011 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 Ms. Pravin Tripathi
Member

In the matter of :

**Mumbai International Airport
Private Limited (MIAL)**

... Appellant

Versus

AERA & Ors.

... Respondents

Appearances : Shri Mukul Rohatgi, Senior Advocate with Shri Sitesh Mukherjee, Ms. Sakya Singha Chaudhuri and Mr. Avijeet Lala, Advocates for the Appellant.

**Shri Naresh Kaushik with Ms. Amita Kalkal
Chaudhary and Shri Alok Kaushik, Advocates for
Respondent No. 1.**

ORDER
16th March, 2011

Learned senior counsel for the appellant was heard at length. Admittedly, the final determination is yet to be done. The basic grievance of the appellant is that, while formulating the Regulatory Philosophy and Approach in Economic Regulation of Airport Operators, the scope of exclusion of certain concessions have not been kept in view, which, according to him, is required to be done in terms of Section 13(1)(a)(vi) of the Airports Economic Regulatory Authority of India Act, 2008 (in short 'the Act').

Since the final determination is yet to be done, as spelt out in Paragraph 17.5.13 of the Regulatory Philosophy and Approach in Economic Regulation of Airports Operators, in case the appellant has any further grievance, when it is done, it can be challenged, if available under Section 17(b) and Section 18(2) of the Act.

Accordingly, the appeal is disposed of.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL
NEW DELHI

APPEAL NO. 2 OF 2011

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the Order No. 13/2010-11 dated 12.01.2011 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 Ms. Pravin Tripathi
Member

In the matter of :

**Bangalore International Airport
Limited (BIAL)**

... Appellant

Versus

Union of India & Ors.

... Respondents

Appearances : Shri A.M. Singhvi, Senior Advocate with Shri Ankur Chawla, Shri Ashish Jha and Ms. Pallavi Langar, Advocates for the Appellant.

ORDER

16th March, 2011

List the matter on **4th May, 2011.**

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL
NEW DELHI

APPEAL NO. 3 OF 2011

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order No. 13/2010-11 dated 12.01.2011 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 Ms. Pravin Tripathi
Member

In the matter of :

**Cochin International Airport
Limited (CIAL)**

... Appellant

Versus

AERA

... Respondent

Appearances : Shri A.M. Singhvi, Senior Advocate with Shri Ankur Chawla, Shri Ashish Jha and Ms. Pallavi Langar, Advocates for the Appellant.

ORDER

16th March, 2011

List the matter on **4th May, 2011.**

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL
NEW DELHI

APPEAL NO. 5 OF 2011

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order No. 13/2010-11 dated 12.01.2011 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 Ms. Pravin Tripathi
Member

In the matter of :

**Delhi International Airport
Private Limited (DIAL)**

... Appellant

Versus

AERA & Anr.

... Respondents

Appearances : Shri Mukul Rohatgi, Senior Advocate with Shri Sitesh Mukherjee, Ms. Sakya Singha Chaudhuri and Mr. Avijeet Lala, Advocates for the Appellant.

**Shri Naresh Kaushik with Ms. Amita Kalkal
Chaudhary and Shri Alok Kaushik, Advocates for
Respondent No. 1.**

ORDER
16th March, 2011

Learned senior counsel for the appellant was heard at length. Admittedly, the final determination is yet to be done. The basic grievance of the appellant is that, while formulating the Regulatory Philosophy and Approach in Economic Regulation of Airport Operators, the scope of exclusion of certain concessions have not been kept in view, which, according to him, is required to be done in terms of Section 13(1)(a)(vi) of the Airports Economic Regulatory Authority of India Act, 2008 (in short 'the Act').

Since the final determination is yet to be done, as spelt out in Paragraph 17.5.13 of the Regulatory Philosophy and Approach in Economic Regulation of Airports Operators, in case the appellant has any further grievance, when it is done, it can be challenged, if available under Section 17(b) and Section 18(2) of the Act.

Accordingly, the appeal is disposed of.

[Dr. Arijit Pasayat]
Chairman

[Rahul Sarin]
Member

[Pravin Tripathi]
Member