

**AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL**

**APPEAL No. 12/2011**

**(with IA. No.5 & 6)**

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the Orders Nos. 5, 12, 17 and Direction No. 4 passed by the Airports Economic Regulatory Authority of India)

**CORAM**

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

**Hon'ble Mr. Rahul Sarin**  
**Member**

**Hon'ble Mrs. Pravin Tripathi**  
**Member**

**In the matter of :**

**Bangalore Int'l Airport Limited (BIAL)**  
**V/s.**

**...Appellant**

**AERA & Anr.**

**.... Respondents**

**Appearances:**

Mr. Arvind P. Datar, Sr. Advocate with Mr. Ashish Jha, Ms. Pallavi Langar and Mr. Manu Kulkarni, Advocates for the Appellant.

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

Ms. Anjana Gosain, Advocate for UOI (MCA)

Mr. Ramji Srinivasan, Sr. Advocate with Ms. Poonam Verma, Ms. Sadapurna Mukherjee & Ms. Kabita Das, Advocates for Menzies Aviation Bobba/Applicant

Ms. Padma Priya, Advocate for Air India SATS/Applicant

**ORDER**  
**03<sup>rd</sup> May, 2013**

By an order dated 15<sup>th</sup> February, 2013, this Tribunal had disposed of appeals No. 07, 08, 09, 10 & 11 of 2011 with the directions to the AERA to complete the exercise of determination of tariff. We had also directed therein that AERA would give opportunity to all the stakeholders to raise all the pleas and contentions and consider the same. We had requested the AERA to complete the determination of tariff as expeditiously as possible. In this, we had taken a view that it would not be appropriate to entertain the appeals at different stages of determination. We, thus, had expressed specifically that all the pleas could be taken before AERA while determination of the final tariff. In those appeals, Shri Nanda had specifically made a statement that all the pleas and defenses including those relating to impugned

guidelines could be considered by AERA on their own merits despite the guidelines issued by AERA in appeal Nos. 08, 09, 10 & 11 of 2011.

2. In view of this, Shri Datar, Senior Advocate, after considerable arguments, seeks to withdraw this appeal also, since the appeal against the guidelines on the issues of cargo handling, fuel supply and ground handling services have already been decided. He, however, seeks an opportunity to file an appeal against the final tariff order. It is reported that the final tariff order has now been passed. He also seeks an opportunity to raise all the questions raised herein in his appeal for filing which, he seeks an opportunity. We allow the withdrawal with the liberty sought for by him.

3. Shri Datar expressed his apprehension that in case he chooses to file fresh appeal challenging the tariff, he might be required to file all the voluminous documents alongwith his fresh appeal. We, therefore, direct the office that the records of this appeal shall be kept intact and at the time of final arguments, the parties would be allowed to use those records.

4. We had by our order dated 19<sup>th</sup> October, 2011, directed that the tariff so decided in case of the three services mentioned in the earlier paragraph would not be implemented unless the leave is obtained from this Tribunal. In view of the disposal of this appeal, those orders would stand 'withdrawn' and in the result the implementation of tariff may now commence.

**( Justice V.S. Sirpurkar )**  
**Chairman**

**(Rahul Sarin)**  
**Member**

**( Pravin Tripathi )**  
**Member**