

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

CORAM

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

Hon'ble Mr. Rahul Sarin
Member

Hon'ble Mrs. Pravin Tripathi
Member

APPEAL No. 02/2013

(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)

In the matter of

Mumbai Int'l Airport Pvt. Ltd. (MIAL) **...Appellant**
V/s.

AERA **.... Respondent**

APPEAL No. 03/2013

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 28.12.2012 passed by the Airports Economic Regulatory Authority of India)

In the matter of :

Federation of Indian Airlines (FIA) **...Appellant**
V/s.

AERAKI & Ors. (DIAL/AAI/MCA) **.... Respondents**

APPEAL No. 05/2013

with I.A. No. 08/2013 (for ad-interim ex-parte stay)

(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)

In the matter of :

Federation of Indian Airlines **...Appellant**
V/s.

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

APPEAL No. 01/2012, 02/2012, 03/2012, 08/2012 & 07/2012

(Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the Orders dated 08.11.2011 & 16.04.2012 passed by the Airports Economic Regulatory Authority of India)

Federation of Indian Airlines Vs. AERA & Anr. (DIAL)	Appeal No.01/2012
Consumer Online Foundation Vs. AERA & Ors. (DIAL)	Appeal No. 02/2012
Federation of Indian Airlines Vs. AERA & Anr. (MIAL)	Appeal No. 03/2012

Consumer Online Foundation Vs. AERA & Ors. (MIAL)	Appeal No. 08/2012
Delhi Int'l Airport Pvt. Ltd. Vs. AERA	Appeal No. 07/2012

Appearance: Mr. Ramji Srinivasan, Senior Advocate with Ms. Poonam Verma, Ms. Divya Chaturvedi, Mr. Varun Singh, Mr. Vivek P. Oriel, Ms. Kabita Das, Mr. Kunal Singh and Mr. Kanwaljit Singh Bhatia, Advocates for the FIA.

Mr. Atul Nanda, Senior Advocate with Mr. Naresh Kaushik, Ms. Rameeza Hakeem, Ms. Amita Kalkal Chaudhary, Ms. Aditi Gupta and Mr. Vardhman Kaushik, Advocates for AERA.

Mr. C.S. Vaidyanathan, Senior Advocate with Mr. Atul Sharma, Mr. Abhishek Sharma, Ms. Milanka Choudhary, Mr. Sarojanand Jha, Ms. Garima Sharma and Mr. Amit Ojha, Advocates for DIAL.

Mr. Sitesh Mukherjee with Mr. Gautam Chawla, Mr. Shantanu Singh and Mr. Sakya Singh Chaudhari, Advocates for MIAL.

Ms. Rameeza Hakeem, Advocate for AAI.

Mr. T. Mitra, Advocate for Ms. Anjana Gosain, Advocate for UOI (MoCA).

ORDER
11th July, 2013

This order will be governing Appeals Nos. 01/2012, 02/2012, 03/2012, 07/2012, 08/2012 and three new appeals being Appeals Nos. 02/2013, 03/2013 and 05/2013.

By our earlier order dated 14.02.2013, which we had passed in Appeals Nos. 01/2012, 02/2012, 03/2012, 08/2012 and 07/2012, we had already noted that those appeals were against old orders passed by the Airports Economic Regulatory Authority (AERA) dated 08.11.2011 in respect of DIAL and 16.04.2012 in respect of MIAL. We had also noted that subsequently AERA had passed two other orders dated 28.12.2012 and 21.12.2012 in which the chemistry of earlier orders was virtually changed. In that view, we had observed that the said appeals had become infructuous. At that time, the other matters were not before us. Now we find that the orders dated 28.12.2012 and 21.12.2012 passed by

AERA have been challenged by way of subsequent appeals i.e. Appeals Nos. 02/2013, 03/2013 and 05/2013 which are pending before us. Though we had earlier ordered tagging of the old appeals along with the new appeals filed against the subsequent orders, we had not disposed them of formally. We now propose to dispose of them formally.

We observe that the record of the old appeals shall be retained as if they are tagged with new appeals so that the parties do not have any difficulties in tracing out the papers or, as the case may be, finding the documents which are necessary for their arguments. We point out that all the issues which were raised in the earlier appeals, which we are disposing of, are and shall remain open for the arguments.

In the Appeals Nos. 02/2013, 03/3013 and 05/2013 challenging the subsequent orders dated 21.12.2012 and 28.12.2012, as the case may be, we order accordingly.

The Registry will note that the records of these appeals shall remain tagged with the new appeals.

In the new appeals, reply be filed within four weeks and rejoinder, if any, shall be filed within two weeks thereafter. The pleadings in all these appeals against the subsequent orders shall, in any circumstances, be completed within the above time-frame. It is made clear that if the pleadings of the parties are not ready by then, the matters shall still proceed further.

In Appeal No. 02/2013, learned senior counsel, Mr. Ramji Srinivasan, prays for impleadment of Federation of Indian Airlines (FIA) to the parties. Prayer is allowed. Accordingly, FIA is directed to be impleaded as party respondent.

List these appeals on **30th August, 2013.**

(Justice V.S. Sirpurkar)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member