

**AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL**  
**APPEAL No. 13/2013**  
**(with IA No.25 & 26 of 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)

**CORAM**

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

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

**In the matter of :**

**T.G.N. Kumar**

**...Appellant**

**V/s.**

**AERA & Ors. (MCA/DIAL/AAI/DGCA)**

**.... Respondents**

**Appearances :**

Mr. D.K. Devesh, Advocates for the Appellant.

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

Mr. Amit Ojha & Ms. Garima Sharma, Advocates for DIAL

Mr. Sukumar Pattjoshi, Sr. Advocate with Ms. Amrita Panda, Advocates for AAI.

**ORDER**  
**23<sup>rd</sup> October, 2013**

This is an application for condonation of delay in filing the appeal against the order dated 28.12.2012 of AERA. There is a substantial delay of 90 days. Under the provisions of the AERA Act, 2008, an appeal itself is supposed to be disposed of within 90 days. There are two affidavits filed in support of the application for condonation of delay. Both the affidavits are equally confusing and vague. There is no appropriate explanation as to why the delay has occurred excepting to the fact that the appellant was not aware of the Order. The appellant had withdrawn his earlier appeal on 21.03.2013 and yet he waited for upto May, 2013 to file this appeal. There is absolutely no explanation for all this delay. As the question of levy of development fee is pending before this Court in other appeals, therefore, no prejudice will be caused by the dismissal of this application as the applicant, if so wishes, can assist in those appeals while they are being argued. The condonation of delay application is rejected and so is the appeal.

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

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