

ITEM NO.46

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 6996/2017

(Arising out of impugned final judgment and order dated 22-01-2015 in LPA No. 670/2014 passed by the High court of delhi at new delhi)

AIR INDIA LTD.

Petitioner(s)

VERSUS

DELHI INTERNATIONAL AIRPORT PVT LTD AND ORS.

Respondent(s)

Date : 03-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Ranjit Kumar, S.G.
Mrs. Gunjan Sinha Jain, Adv.
M/s. M. V. Kini & Associates, AOR

For Respondent(s) Dr. A.M. Singhvi, Sr. Adv.
Mr. Gopal Jain, Sr. Adv.
Mr. Milanka Choudhary, Adv.
Mr. Sarojanand Jha, Adv.
Ms. Sakshi Sood, Adv.
Mr. M. R. Shamshad, AOR

Ms. Poonam Verma, Adv.

Ms. Nishtha Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.

(NEELAM GULATI)
COURT MASTER

(TAPAN KR. CHAKRABORTY)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s).8394 OF 2017
(Arising out of SLP(C) No. 6996 of 2017)

AIR INDIA LTD.

Appellant(s)

VERSUS

DELHI INTERNATIONAL AIRPORT PVT. LTD.
AND ORS.

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The only question which we are required to decide is about the order passed by the High Court of Delhi at New Delhi in LPA No. 670 of 2014 that the Tariff determined by the Airport Economic Regulatory Authority (in short "the AERA") for the First Control Period vide Tariff Order No.03/2012-2013 dated 20.04.2012 shall continue till the disposal of the appeals pending against the said Tariff Order as quoted herein below :

"(iii) The tariff determined by AERA for the First Control Period vide Tariff Order No. 03/2012-2013 dated 20.04.2012 shall continue till the disposal of the appeals pending against the said Tariff Order, by the AERAAT."

After hearing learned counsel for the parties, we are of the opinion that since fresh Tariff Order has already come into force and ultimately the amount which have to be recovered is also recovered from the passengers at the Delhi Airport and at the other Airports the second Tariff Order No. 40/2015-2016 dated 8.12.2015 has already been implemented, this direction calls for interference. Unfortunately the appeal filed by the respondents is still pending consideration before the AERAAT. Let the AERAAT decide the appeal filed by the respondent within a period of two months from today. However, at the same time the order passed by the High Court to continue the Tariff Order No. 3/2012-2013 dated 20.04.2012 is hereby vacated and the fresh Tariff Order No. 40/2015-2016 dated 8.12.2015 shall be implemented forthwith. However as per the interim order of High Court, the Tariff Order dated 20.4.2012 has continued so far, and therefore its effect and ultimate equities will have to be worked out at the time of the final decision of the appeal by AERAAT. Let the AERAAT make endeavour to

decide the same expeditiously preferably within two months. Parties have assured us of co-operation.

The appeal stands disposed of with aforesaid modification of the order .

.....J.
(ARUN MISHRA)

.....J.
(AMITAVA ROY)

NEW DELHI;
JULY 03, 2017