F. No. AERA/20010/MYTP/DIAL/CP-II/2013-14/Vol – I/
Airports Economic Regulatory Authority of India
****

AERA Building,
Administrative Complex,
Safdarjung Airport,
New Delhi – 110 003

29th January, 2015

Public Notice No. 16/2014-15

Subject: - Extension of Aeronautical Tariff determined by AERA in respect of IGI Airport, Delhi for the First Control Period vide Tariff Order No. 03/2012-13 dated 20.04.2012 beyond 31.01.2015 in view of the judgement dated 22.01.2015 of the Hon'ble Delhi High Court in LPA 670/2014 in the matter of DIAL vs UOI and others – regd.

The Authority had vide Order No. 03/2012-13 dated 24.04.2012, approved the aeronautical tariff(s) for IGI Airport, New Delhi, for the first control period w.e.f. 01.04.2009 to 31.03.2014.

2. While the Authority was examining the proposal submitted by DIAL for the determination of Aeronautical Tariffs in respect of IGI Airport, Delhi for the second control period (2014-2019), it had vide its Order No. 39/ 2013-14 dated 26.03.2014 ordered that Aeronautical tariff(s) approved by the Authority vide Order No. 03/2012-13 dated 24.04.2012 shall continue for a further period of two months w.e.f., 01.04.2014, i.e. upto 31.05.2014, and that the revenue so collected by the airport operator (DIAL) during such period shall be adjusted from the Aggregate Revenue Requirement for the Second Control Period starting w.e.f. 01.04.2014.

3. This was followed with further extension of Aeronautical Tariffs determined by the Authority vide Order No. 03/2012-13 dated 24.04.2012 upto 31.10.2014 vide Order No. 04/2014-15 dated 02.05.2014 and upto 31.01.2015 vide Order No. 13/2014-15 dated 15.10.2014.

4. In the interim, DIAL had had preferred an LPA No. 670/2014 in the Hon'ble Delhi High Court, on which the Hon'ble Court has pronounced its judgement on 22.01.2015, and has ordered as under:

> *".....*
> *Accordingly, the order under appeal is set aside and the appeal shall stand disposed of with the following directions:*
>
> *(i) The Union of India, Ministry of Civil Aviation shall take the necessary steps to finalize the selection and appointment of the Chairperson and members of AERAAT and to make it functional at the earliest, within four weeks here from.*
>
> *(ii) We further direct AERAAT to decide the appeals aforesaid within eight weeks therefrom i.e. latest within twelve weeks here from.*

(iii) *The tariff determined by AERA for the First Control Period vide Tariff Order No.03/2012-13 dated 20.04.2012 shall continue till the disposal of the appeals pending against the said Tariff Order, by the AERAAT."*

5. A copy of the judgement of the Hon'ble Delhi High court is attached herewith for information of all concerned.

6. In view and in terms of the above judgement of the Delhi High Court dated 22nd January 2015, Order No.3/2012-2013 dated 24th April 2012 passed by the Authority determining tariff for the First Control Period stands extended and the Authority is not issuing any separate extension order. This is without prejudice to the Authority's legal rights and remedies in law. Any further developments on this issue will be put in public domain by suitable means.

(C.V. Deepak)
OSD-II
Tel.: 24695043