

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

Writ Petition (PIL) No. 37 of 2017

Kamal Kumar Dubey **Versus** Union of India & Others

alongwith

Writ Petition (PIL) No. 67 of 2017

17/02/2020	Shri Ashish Shrivastava, Shri Sudiep Shrivastava and Shri Sandeep Dubey, Advocates for the respective Petitioners. Shri Vaibhav P. Shukla, Advocate appears on behalf of Shri B. Gopa Kumar, Assistant Solicitor General for Union of India. Shri Anumesh Shrivastava, Advocate for Respondent No. 2/Airport Authority of India Ltd. Shri S.C. Verma, Advocate General with Shri Sudeep Agrawal, Deputy Advocate General for the State. Shri Yogesh C. Pandey, Shri Apurv Goyal, Shri Sunny Agrawal and Shri Prasoon Agrawal, Advocates for the respective Respondents. A very detailed order was passed by this Court on the last occasion <i>i.e.</i> on 27.01.2020 with regard to the various facts and figures in connection with the up-gradation of the existing Airport at Chakarbhata in Bilaspur (hereinafter called as 'Bilaspur Airport') to the requisite extent. Today, when the matter is taken up for the further consideration, the learned Advocate General submits that, proving the word by the deed, the State has taken

necessary measures for up-gradation of the Airport presently to the '3C category' and necessary application has already been preferred before the competent authority, adding that the tenders already floated for the up-gradation works were opened on 04.02.2020. The Advocate General points out that the Safety Assessment Meeting for identifying the possible hazards to have the flying operations and its litigation plan was held at the Airport on 05.02.2020 alongwith the team from the Airport Authority of India, Raipur. As a matter of fact, the Airport up-gradation work was started on 12.02.2020 and it is going on with maximum pace to have it completed within one month.

It is brought to the notice of this Court, that on 13.02.2020, NOTAM (Notice to Airmen) was issued for closing of the Airport for all operations because of the civil works going on for up-gradation of the Airport to '3C VFR category'. The relevant facts have already brought to the notice of Director General of Civil Aviation (DGCA), also with reference to the necessity of future up-gradation of the Airport to the '4C IFR category', vide communication dated 13.02.2020. It is further pointed out that a letter has been sent to the Executive Director, Regional Connectivity Scheme (RCS) alias 'UDAAN', New Delhi for ascertaining the details of the selected Airlines for the Bilaspur Airport.

Shri Sudiep Shrivastava, the learned counsel appearing for the Petitioner submits also with reference to the Annexure P/6 showing the land location and map available that certain specific observations were made by this Court on the last occasion, particularly, with regard to the necessity to make available adequate land for making runway of a minimum of 2200 meters which is necessary for getting '4C licence'. Reference was made to the land available with the

Government and part of the land available with the Army, despite which no steps are stated as taken from the part of the State in this regard. The learned Advocate General submits that, this is taken care of and communication has already issued to the Defence/Army so as to make available the necessary extent of land and that further steps will be pursued in this regard on war footing.

With regard to various other aspects, particularly, the placement of the Bilaspur Airport in the priority category and the subsequent omission / removal and also with regard to the unconscionable fixation of 600 kms. in respect of 'Viability Gap Fund' (VGF), it is stated as not answered from the part of the Union Government/DGCA. The learned counsel representing the Union Government / said authority submits that necessary communication has already been issued in this regard and that all the points would be categorically answered by filing a statement/affidavit in this regard before the next date of hearing.

Considering the submissions made across the Bar, we find it appropriate to direct the DGCA and the Airport Authority of India to conduct inspection with regard to the ongoing upgradation works in the Bilaspur Airport and to give necessary instruction/corrective measures, if any.

With regard to the availability and allocation of the funds, the learned Advocate General submits that the setting of the Airport is of prime requirement and concern of the State and that the State has already allotted a sum of Rs. 27 Crores for Bilaspur Airport. Out of Rs. 27 Crores, it is stated that a sum of Rs. 5 Crores has already been put in the account of the Airport, from which only Rs. 1.8 Crores is required for the upgradation works for the time being and the balance

amount will be utilized for setting up other infrastructure and to take this Airport to enviable standards.

With regard to the availability of the land, it is further brought to the notice of this Court that the land which is now stated as in possession of the Army was actually given by the State earlier for setting up a Cantonment. It is reportedly abandoned and that the land has to be surrendered back to the State. Even otherwise, a part of the land, to the requisite extent which is necessary for the development of the Airport can still be made available and necessary instructions have to be obtained from the part of the Respondents concerned in this regard as well. The Ministry of Defence, M/o Civil Aviation and the DGCA shall put forth their version with regard to the various aspect pointed out in the order dated 27.01.2020 and in this order within three weeks.

List these matters for further consideration on 17.03.2020.

Sd/-
(P. R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge