

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPPIL No. 37 of 2017Kamal Kumar Dubey **Versus** Union Of India

WPPIL/67/2017

23.11.2020	Shri Ashish Shrivastava, Shri Sudiep Shrivastava and Shri Sandeep Dubey, Advocates for the Petitioners. Shri Ramakant Mishra, Assistant Solicitor General for Union of India/Respondent No. 1. 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 Pandey, Advocate for Respondent No. 6. Shri Apurv Goyal, Advocate for Respondent No. 7. Shri Shobhit Mishra, Advocate for the Respondent No. 8. This is continuation of the proceedings held before this Court on last occasion i.e. 20.10.2020. The steps being pursued by the State to complete

the works to make the Bilaspur Airport viable for '3C' license and various other relevant aspects are taken note of.

Today, when the matter is taken up for further consideration, it is submitted by the learned Advocate General that the State has filed an additional reply-statement dated 20.11.2020 as well as a 'status report' of the same date with regard to the construction work in the Bilaspur Airport. It is pointed out in the additional reply statement that the OLS survey was carried out from 07-11 November, 2020 but the report of the OLS survey is still awaited. It is stated that as per the e-mail sent by the representative of the survey team that the CEO Mr. Kishu Tekchandani was tested COVID positive and is admitted in the Hospital since 05.11.2020, besides the treatment being undergone by the three other staff as well having been declared as COVID positive. A copy of the e-mail communication dated 19.11.2020 has been produced as Annexure A/2 and the version is supported by an affidavit. The status report dated 20.11.2020 filed from the part of the Respondent-State deals with the various construction works pursued which were left to be completed. The relevant particulars as to the progress of work for 3C VFR up-gradation as on 20.11.2020 have been given in the form of a tabular chart as Annexure A/1. To avoid detailed description, we find it appropriate to have the said chart extracted below for ready reference :

ANNE. A-1

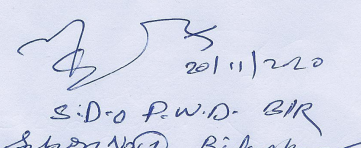
 **Bilaspur Airport
Chakrabhata** [US]

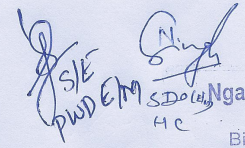
Directorate of Aviation, Government of Chhattisgarh

Progress of Work for 3C VFR up-gradation as on 20th Nov 2020

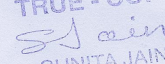
SNo	Nature of Work	Completed	PDC	Remarks
Preparation of runway strip 150 X 1610 m				
1	Grading of surface and widening of stripe from 40 m to 75 m either side of runway.	Completed Finishing work in progress	02 days	Due non availability of manpower owing to Dasher and Diwali festival
2	Preparation of Runway End Safety Area (RESA)	RESA 60X90 m on runway 17 side completed RESA 60X90 m on runway 35 side completed Finishing work in progress	- 02 days	
Construction of perimeter fencing on runway 35 side and 17 Approach (2800 m)				
3	Poll fixing for chain link fencing	Completed		
4	Chain link fencing	Completed		
Construction of perimeter road				
5	Subgrade work of road	Completed. WMM work on perimeter road in progress	Within one week	
Perimeter Road lighting				
6	Perimeter road lighting work is in progress	90 % Completed.	02 days	-

- Runway markings, taxiway markings and Apron markings completed. Departure hall enhancement due COVID norms completed.
- Security Vetting by Bureau of Civil Aviation Security (BCAS) carried out on 22nd Oct 2020. Observations made by BCAS Director completed.
- OLS Survey was carried out from 07 – 11 Nov 2020. Report awaited.

 20/11/2020
 S.D.O. P.W.D. Bilaspur
 Subd. No. 1 Bilaspur


 S.D.O. P.W.D. Bilaspur
 H.C. Ngashepam Biren Singh
 Airport Director
 Bilaspur Airport (C.G.)

Raipur Road
 Bilaspur – 495 220
 GSTIN 22AAAGB0886Q128
 Tele: 07752 291575
 Mobile: 9399083530
 apdbilaspur@gmail.com

TRUE - COPY

 SUNITA JAIN
 Govt. Advocate

With reference to the above chart, it is submitted by the learned Advocate General that the works under all the above heads have been completed, but for some cosmetic touches, which will be over within a couple of days. Since the said chart was prepared on 20.11.2020, the learned Advocate General has produced a fresh chart in similar terms for perusal of the Court which shows that all the works have been completed

except Sl. No.5 as to the construction of the perimeter road; adding that the final touches will be over within a couple of days. The learned Advocate General submits that the next step is to obtain the OLS report pursuant to the survey conducted during the period from 07–11 November 2020 and to forward the same to the DGCA along with proper proposal and request to conduct an inspection. It is submitted on the basis of the instructions received that the said report (to be signed by the CEO who is now in the Hospital for COVID treatment) would be obtained within fortnight and immediately thereafter, the same would be forwarded to the DGCA for further steps.

The learned Advocate General and the learned counsel appearing for the Petitioners seek for a direction to be given to the DGCA to conduct an inspection and to consider the application for 3C license forthwith.

Shri Ramakant Mishra, the learned Assistant Solicitor General representing the Union of India submits that, as assured and undertaken before this Court, earnest efforts are being taken from the part of the Ministry, the DGCA and such other authorities under the Central Government in connection with the up-gradation of the Bilaspur Airport from 2C to 3C level. The learned counsel submits after getting instructions over telephone, that once the OLS survey report is obtained along with the proper proposal and the supporting documents, verification of the documents will be conducted and thereafter an inspection will be arranged, for which two

weeks' time is sought for from the date of receipt of the survey report and other proceedings as above. The learned counsel further submits that after conducting the inspection, the DGCA will finalize the application for granting 3C license at the earliest, at any rate within four weeks thereafter.

Shri Sudiep Shrivastava, the learned counsel appearing for the Petitioner in WP(PIL) No.67 of 2017 submits that the Bilaspur Airport is already having 2C license and for up-gradation to 3C level, only the minimum requirements are to be satisfied; which have already been done as put-forth by the learned Advocate General. This being the position, the time to have the matter finalized might be restricted. The learned counsel also submits that the Airport at Jagdalpur in Chhattisgarh is only having 2C license but the Respondent Authorities have permitted to operate ATR 600 level Aircraft granting special permission.

In view of the need of the hour, similar exercise in respect of the Bilaspur Airport, where works have already completed done to raise it to 3C level, may be caused to be effected so as to facilitate operation of the ATR 600 Aircrafts, as an interim arrangement pending finalization of the proceedings for granting of 3C license. The learned counsel submits that two routes have already been identified. Between Bilaspur–Bhopal, the Airlines by name Allianz Airlines have been identified to conduct the operation. In respect of the other route identified between Bilaspur–Prayagraj–Delhi, the operator to hold the flights is still to be finalized. The steps are to be finalized

in respect of the other routes as well.

In view of the submissions by the learned counsel for the respective parties as above, the OLS report pursuant to the survey conducted from 07–11 November 2020 shall be made available by the State Government within two weeks. On receipt of the said report, the State is directed to forward the said report along with the proper proposal/request for up-gradation of the license from 2C level to 3C level to DGCA forthwith. On receipt of the report along with the proposal/request and the supporting documents, it shall be verified by the DGCA and inspection of the Airport shall be conducted with reference to the contents of the documents with intimation to the Airport Director/such other authorities of the State within a further period of 'two weeks'. After conducting the inspection as above, the application for granting 3C license referred to by the State shall be considered and finalized by the DGCA, in accordance with law, as expeditiously as possible, at any rate within 'four weeks' from the date of conducting inspection as above.

In view of the submissions made by the learned counsel for the Petitioners, the DGCA shall consider the operation of ATR 600 Aircraft from/to Bilaspur Airport in the routes concerned, based on the 2C license already granted by the Authorities; as an interim measure, pending the proceedings for issuance of a 3C license. The DGCA/competent Authority shall also consider and take necessary steps in the meanwhile for

scheduling the flights in the routes concerned, so that much time can be saved once the 3C license is granted by the DGCA; which will only be in the best interest of all concerned. We express our hope and desire that the proceedings as above shall be completed with maximum co-operation and concerted steps by all the stakeholders, taking the interest of general public as of paramount importance.

Post these cases for further consideration in the first week of January 2021.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge