

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

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

WPIL/67/2017

04.01.2021	Mr. Ashish Shrivastava, Mr. Sudeep Shrivastava, Mr. Sandeep Dubey and Mr. Aman Pandey, Advocate for the Petitioners. Mr. S.C. Verma, Advocate General with Mr. Sudeep Agrawal, Deputy Advocate General for the State. Mr. Amit Banerjee, Advocate on behalf of Mr. Ramakant Mishra, Assistant Solicitor General for Union of India. Mr. Apurv Goyal, Mr. Anumesh Shrivastava, and Mr. Shobhit Mishra, Advocate for Respective Respondents. Heard learned Advocate General and the other learned counsel appearing for the parties on both the sides. Learned Advocate General representing the State submits that after passing the previous order on 23.11.2020, the work was progressing on war-footing and the entire works, which were left to be completed from the part of the State, have been completed. It is also brought to the notice of this Court that the OLS Survey has been completed and the report obtained has been forwarded to the competent authority along with supporting documents. Further course of action to be pursued by the authorities of the Central Government, including the DGCA, by causing verification of the documents and conducting inspection is still to be pursued and finalized.

Two weeks' time is sought for from the part of the learned ASG to get proper instructions and to put the factual position on record.

Learned counsel for the petitioner in both the writ petitions submits that the matter is still being dragged on by the authorities and the same is being attended/ acted on snail pace with regard to granting '3C License'. It is also pointed out that, inspite of specific direction given on the last occasion, no proper reply is coming from the part of Respondents, particularly, with regard to the operation of the Airport using the existing 2C license as it is being done in the case of Jagdalpur Airport. It is further stated that the route has been finalized between Bilaspur and Bhopal, identifying the carrier as 'Allianze Airline', but on enquiry with the said Airline, it is reported that no formal 'allotment letter' has been issued to them; without which no 'scheduling of the flights' can be done. It will take another 'three-months', even if the allotment letter is issued today. In respect of the other route ie. Bilaspur-Prayagraj-Delhi, nothing is made known. So also, nothing is stated from the part of the authorities concerned as to the "600 Kms impediment" under the '*Udaan*' scheme, which is cited as barring the way of operation of the Bilaspur Airport. It is the version of the petitioners that the respondents-authorities are showing step-motherly attitude to the Bilaspur Airport and hence the matter requires finalization at the earliest.

In response to the submission made by Mr. Sudeep Shrivastava (learned counsel for the petitioner) that the negative tactics being pursued by the Respondents concerned apparently amounts to an arm twisting exercise, only to see that running of the Airport is handed over to the Airport Authority

of India (AAI) instead of being operated by the State Government. The said submission is sought to be rebutted by the learned Standing counsel appearing for AAI, stating that proper clearance is to be given by the DGCA and the Ministry of Civil Aviation.

Mr. Sudeep Shrivastava, learned counsel submits that the version put-forth by the learned counsel for the AAI is not correct, insofar as, the AAI has been identified by the Ministry of Civil Aviation as the Executing Authority for the '*Udaan*' scheme and as such, they cannot play any hide and seek game among themselves. Further, it is pointed out that in the case of Jagdalpur Airport, everything necessary has been done by the Respondents concerned, as the said Airport is being operated by the AAI, and thus the discrimination.

The lapses alleged, have to be meticulously analyzed to see who is at fault and to ascertain whether there is any conscious design to stall the attempt in making Bilaspur Airport operational.

The AAI, the DGCA and the Ministry of Civil Aviation shall put-forth their version in the form of a statement/ affidavit, as the case may be, before this Court. We are making it clear that we are not expressing any concrete views with regard to the alleged fault/ insinuation made, but for making a reference to tackle the situation in appropriate terms at the next hearing.

Considering the submissions made by the learned Advocate General that 'status report' is being filed as to the completion of the works and steps taken already and also the submissions made on behalf of learned ASG,

seeking time to put-forth their version, we find it appropriate to have the matter listed after two weeks. The remaining steps to be pursued by the authorities concerned shall be finalized and the matter shall be reported before this Court on the next date of posting. No further time will be given for answering the queries being raised during the course of hearing.

List the matter for further consideration on **18th January, 2021.**

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge