

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

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

WPIL 67/2017

03.02.2021	Shri Ashish Shrivastava, Shri Sudiep Shrivastava and Shri Sandeep Dubey, Advocates for the respective Petitioners. Shri Ramakant Mishra, Assistant Solicitor General for the Union of India. Shri S.C. Verma, Advocate General with Shri Sudeep Agrawal, Deputy Advocate General for the State. Shri Apurv Goyal, Shri Anumeh Shrivastava, Shri Yogesh Pandey and Shri Shobhit Mishra, Advocates for the respective Respondents. Though this matter was ordered to be listed on 15.02.2021, making some observations as to the steps to be pursued, to have the '3C licence' issued by the competent authority within 'four weeks' as noted in our order dated 18.01.2021, a submission was made from the part of the Petitioners in the last week that, the proceedings have been finalized and '3C licence' has been issued by the Government of India, Directorate General of Civil Aviation ('DGCA') on 27.01.2021 and hence that a posting might be given to deal with the further course of action. It is accordingly that the matter has been listed before this Court. We heard the learned counsel appearing for the parties. Shri Ramakant Mishra, the learned Assistant Solicitor General submits that a covering memo dated 03.02.2021 has been filed, producing a copy of the '3C' licence issued by the DGCA on 27.01.2021. The learned counsel submits that
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pursuant to the licence issued, the other stakeholders concerned, particularly, the Airliners have to enter into an agreement with the State Government and such other Agencies including the Airport Authority of India and thereafter, approach the Ministry of Civil Aviation for pursuing further steps and commence the operation.

Shri Sudiep Shrivastava, the learned counsel appearing for the respective Petitioners submits that, by virtue of issuance of '3C licence', there is no bar for effecting the operation forthwith, by deploying 'ATR 600 and Bombardier Q400 Aircrafts', more so since the route clearance has been given in respect of 'Bilaspur-Bhopal', whereas Bilaspur-Prayagraj-Delhi route is in the process of finalization, which is to be cleared forthwith. The learned counsel also points out that because of non-clearance of the VGF scheme with reference to 600 Kms hurdle, competitive Airliners may be reluctant and that no concrete explanation has been offered from the part of the Government and other Authorities in this regard. Since various chances have already been given by this Court, a positive direction is necessary with regard to the issue projected under this head, submits the learned counsel; adding that, the issue in respect of Bilaspur Airport under the UDAN Scheme is pending consideration more than one year, whereas in respect of other Airports, the matter has already been cleared within 3-4 months. The learned counsel also submits that further steps have to be pursued with regard to the application and granting of '4C licence', which mandates the requirement of a runway having a length of 2500 meters. The additional land required has to be taken over from the nearby Army land, which land was actually acquired by the State and given to them. The circumstance under which the land can be transferred has also been explained from the Central Government in the proceedings filed ahead – submits the learned Assistant Solicitor General.

Shri S.C. Verna, the learned Advocate General submits that whatever stipulated by the Central Government in their statement with regard to granting of '3C licence' will be given effect to by taking steps from the part of the State, adding that further steps for getting '4C licence' will be pursued immediately after making the Airport operational on the strength of the '3C licence' now granted by the Central Government.

Taking stock of the situation, further steps are to be channelized to make available the fruits of the '3C licence'. The learned Advocate General submits that a statement will be filed before this Court as to the further steps to be pursued with reference to the party concerned and as to the course and manner to deal with it and seeks for one week's time in this regard. Various steps as above shall be mentioned in the chronological order, so as to have effective scrutiny and assessment by this Court and to give appropriate directions to the Authorities concerned, to the extent as it is necessitated.

Even though, there is some delay in settling the grievance with regard to granting of '3C licence', we appreciate the efforts put in by all parties concerned including the Petitioners, the State Government, the Central Government and the various Authorities under them.

List the matter for further consideration on 15.02.2021.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge