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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1696/2014 & CM 3547/2014**

**DELHI INTERNATIONAL AIRPORT
PRIVATE LIMITED**

..... Petitioner

Through Mr Gopal Jain, Senior Advocate with
Mr Milanka Chaudhary, Mr Abhinav Agnihotri,
Ms Abhilasha Singh, Advocates.

versus

UNION OF INDIA

..... Respondent

Through Ms Anjana Gosain, Advocate with
Ms Rabiya Thakur, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.01.2018

1. The principal controversy involved in this petition is whether the petitioner was entitled to use part of Passenger Service Fee (Security Component) funds for purchase of capital assets. According to the respondent the said assets were to be purchased by the petitioner out of its own funds. The respondent places reliance on clause 3.3.5 of State Support Agreement (hereafter referred to as 'SSA') in this regard.
2. The learned counsel for the petitioner states that the petitioner was expressly permitted to use the funds in question for purchasing capital assets. He also states that the amount expended in purchasing the assets was excluded for calculation of regulatory asset base in terms of the order dated 12.01.2011 passed by Airport Economic Regulatory Authority of India (AERAI).



3. It is seen that the SSA includes an alternate dispute resolution mechanism and in the events the disputes are not settled amicably, they are to be referred to Arbitration under Article 9.3 of SSA.
4. In this view, the learned counsel for the parties seek time to take instructions whether the parties could be relegated to their contractual remedies.
5. List on 05.01.2018.
6. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

JANUARY 04, 2018

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