

ITEM NO.6

COURT NO.1

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 35074/2015

(Arising out of impugned final judgment and order dated 07/12/2015
in CWP No. 9800/2014 passed by the High Court Of Himachal Pradesh
At Shimla)

CHAIRMAN-CUM-MANAGING DIRECTOR AIR INDIA LTD.

Petitioner(s)

VERSUS

PARAS DHAULTA AND ORS. Respondent(s)
(with appln. (s) for exemption from filing c/c of the impugned
judgment)

WITH

S.L.P.(C)...CC No. 6785/2016

(With appln.(s) for c/delay in filing SLP and Office Report)

Date : 21/04/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s)

Mr. Ranjit Kumar, SG,
Mr. T.S.Sidhu, Adv.
Mr. Gunjan S.Jain, Adv.
Mr. Vivek Oriel, Adv.
M/s. M. V. Kini & Associates, Adv.

CC 6785/2016

Mr. H.N.Salve, Sr. Adv.
Mr. U.A.Rana, Adv.
MS. Mrinal Elkar Mazumdar, Adv.
Mr. Himanshu Mehta, Adv.
M/s Gagrat & Co., Adv.

For Respondent(s)

Mr. P.S.Patwalia, Sr. Adv.
Mr. Rajat Singh, Adv.

Signature Not Verified

Mr. Ashwarya Sinha, Adv.

Digitally signed by

SHASHI SAREEN

Date: 2016.05.03

Mr. Arijit Prasad, Adv.

17:28:06 IST

Reason:

Mr. Dhruv Sheron, Adv.
Mr. Archit Upadhayay, Adv.
Mr. B. Krishna Prasad, Adv.

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SLP 35074/2015

Mr. U.A.Rana, Adv.
MS. Mrinal Elkar Mazumdar, Adv.
Mr. Himanshu Mehta, Adv.
M/s Gagrat & Co., Adv.

State of H.P.

Mr. Suryanarayana Singh, AAG,
Ms. Pragati Neekhara, Adv.

Mr. Vikas Mahajan, Sr. Adv.
Mr. Vinod Sharma, Adv.
Mr. Amarnath Singh, Adv.
Mr. Arun Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Mr. P.S.Patwalia, learned senior counsel has today filed an additional affidavit on behalf of respondent No 4. Apart from the additional affidavit, an Order dated 19.04.2016 passed by the Government of India, Ministry of Civil Aviation has been placed on record whereby the Government has broadened the existing Routes Dispersal Guidelines by including the States of Himachal Pradesh and Uttarakhand in Category-II of the said guidelines. He submits that in terms of the guidelines on the subject every commercial airline operator is obliged to operate at least 10% of the capacity deployed on Category-I routes on Category-II routes. He submits that in light of the order mentioned above, every operator will now be obliged to operate their services to the extent of 10% of their category-I service in States like Himachal Praadesh, Uttarakhand, Andaman Nicobar, Jammu and Kashmir and the North-East region. He further points out by reference to Inspection report dated 19.01.2016 filed as Annexure RA-11 to the counter affidavit of DGCA that a team has after carrying out a proper investigation of Shimla aerodrome as early as on 09.10.2015 certified that the airport at Shimla is fit for use for technical aspects. He further points out by reference to para 6 of the said inspection report that the airport can be made worthy for flying ATR 72 type of aircrafts also. He seeks time to verify whether AAI has obtained necessary approval for carrying out the changes in the operational area in terms of the rules referred to in para 6 of the inspection report and whether the related work for making the airport worthy for use by ATR 72 aircraft has been carried out. He submits that in light of the said inspection report, the Director General Civil Aviation shall now take up the matter with the operators to determine whether they have any proposal for

connecting Shimla to the National Capital by air and, if so, what will be the frequency of flights which the operators are ready to operate.

Mr. H.N.Salve, learned senior counsel appearing for the Jet Airlines also seeks time to take instructions whether Jet Airlines is ready to commence flights to Shimla with the requisite type of aircrafts for which the Shimla airport has been found fit for use.

Post on 04.05.2016. Needful shall be done by learned counsel for the parties in the meantime.

We would in the meantime appreciate if the inspection team that had inspected the Shimla airport on 19.01.2016 and submitted its report, conducts a fresh inspection to report the existing scenario and the deficiencies, if any. We make it clear that interim order dated 16.12.2015 passed by us and continued from time to time by subsequent orders shall not prevent the competent authority out of the respondents from enforcing against the operators the obligation of providing 10% of category-I service to category-II routes. A copy of the order/direction, if any, issued by the competent authority in this regard shall be placed on record before us on the next date of hearing.

(Shashi Sareen)
AR-cum-PS

(Veena Khara)
Court Master