

ITEM NO.294

COURT NO.1

SECTION XVII

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

Civil Appeal No(s). 3098-3099/2023

AIRPORTS ECONOMIC REGULATORY AUTHORITY OF INDIA Appellant(s)

VERSUS

DELHI INTERNATIONAL AIRPORT LTD. & ORS. Respondent(s)

(FOR ADMISSION and IA No.85540/2023-EX-PARTE STAY and IA No.87500/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 1798-1799/2021 (XVII)
(IA No. 64070/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 64071/2021 - EXEMPTION FROM FILING O.T. IA No.167061/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 167533/2022 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

C.A. No. 1806/2021 (XVII)
IA No. 64728/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 10668-10670/2024 (XVII)
(IA No. 1034/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS IA No. 1039/2023 - PERMISSION TO FILE APPEAL)

C.A. No. 3697-3698/2022 (XVII)
(IA No. 71135/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 8217/2023 (XVII)
(FOR STAY APPLICATION ON IA 249804/2023 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 159840/2024)

C.A. No. 7767/2023 (XVII)
(FOR EX-PARTE STAY ON IA 242401/2023 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 160021/2024)

C.A. No. 10691-10692/2024 (XVII)
(IA FOR STAY APPLICATION ON IA 260212/2023 FOR EXEMPTION FROM

FILING C/C OF THE IMPUGNED JUDGMENT ON IA 260213/2023 FOR CONDONATION OF DELAY IN REILING / CURING THE DEFECTS ON IA 260214/2023 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 842/2024 IA No. 260214/2023 - CONDONATION OF DELAY IN REILING / CURING THE DEFECTS IA No. 260213/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 842/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 260212/2023 - STAY APPLICATION)

C.A. No. 393/2024 (XVII)

(IA FOR STAY APPLICATION ON IA 9187/2024 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 9189/2024 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 29267/2024 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 162286/2024)

C.A. No. 10678/2024 (XVII)

(IA FOR CONDONATION OF DELAY IN REILING / CURING THE DEFECTS ON IA 82783/2024 FOR STAY APPLICATION ON IA 82787/2024 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 82788/2024 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 162876/2024))

C.A. No. 10659/2024 (XVII)

(IA No.165411/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.165412/2024-STAY APPLICATION and IA No.165410/2024-CONDONATION OF DELAY IN REILING / CURING THE DEFECTS)

Date : 24-09-2024 These appeals were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

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M/S. M. V. Kini & Associates, AOR
Mr. A P Singh, Adv.
Ms. Aakanksha Das, Adv.
Mr. Tavinder Sidhu, Adv.

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

- 1 Arguments have been heard on the preliminary issue as to whether an appeal against an order passed by the TDSAT in the exercise of its appellate jurisdiction under Section 18 of the Airport Economic Regulatory Authority of India Act can be maintained at the behest of AERA.
- 2 Parties have filed their written submissions.
- 3 Arguments concluded.
- 4 Judgment reserved.
- 5 At this stage, it has been agreed between the parties that without prejudice to the respective submissions on the issue of maintainability, the parties would formulate and exchange substantial questions of law within the meaning of Section 100 of the Code of Civil Procedure 1908 proposed to be raised on merits having due regard to the provisions of Section 31 of the Act. This exercise shall be completed within a week from the date of this order.
- 6 Mr Milanka Chaudhary and Mr Ritesh Kumar, counsel are nominated as nodal counsel to prepare a common compilation of documents, statutory provisions and precedents in terms of the circular of the Registry dated 3 April 2024. The

common compilation, duly indexed, shall be filed within a week. The common compilation shall be emailed to the Court Master at email ID cmvc.dyc@gmail.com

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR