

**IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION**

Curative Petition (Civil) No 198 of 2022
in
Review Petition (Civil) Diary No 18153 of 2022
in
Civil Appeal No 3701 of 2022

Airport Authority of India

...Petitioner(s)

Versus

GMR Airports Ltd & Anr

...Respondent(s)

WITH

Curative Petition (Civil) No _____ of 2024
(D No 17015 of 2024)
in
Review Petition (Civil) No 662 of 2023
in
Civil Appeal No 3700 of 2022

O R D E R

- 1 Delay condoned.
- 2 On the previous occasion, this Court had requested Mr Tushar Mehta, Solicitor General, to apprise this Court on whether the grounds which have been raised by the Union of India and the Airport Authority of India¹ in the Curative Petitions fall within the ambit of the decision of this Court in **Rupa Ashok Hurra v Ashok Hurra**².

1 “AAI”

2 (2002) 4 SCC 388

- 3 The Solicitor General has also been requested to apprise this Court on whether in the considered view of the Union Government and AAI, they would pursue these proceedings, having regard to the parameters of the curative jurisdiction.
- 4 The Solicitor General has submitted, during the course of the hearing, that while the Union of India had initially intended to address certain issues in the Curative Petition, in his professional judgment, the issues which are sought to be raised in the Curative Petitions do not fall within the three-fold parameters laid down in **Rupa Ashok Hurra** (supra), namely, that the curative jurisdiction may be invoked in a case involving: (i) bias; (ii) absence of hearing; and (iii) any other ground of an analogous nature.
- 5 The Solicitor General has submitted that in paragraph 51 of the impugned judgment and order, it has been observed that in such matters neither the Union of India nor AAI are necessary parties. The Solicitor General submits that if the above statement of law were to continue to hold the field, difficulties would be encountered by the Union of India and AAI in future litigation. Hence, a clarification has been sought.
- 6 We record the statement of the Solicitor General that the Curative Petitions are not pressed before this Court. However, it is clarified that the observations in paragraph 51 of the impugned judgment and order to the effect that neither the Union of India nor AAI are necessary parties to such proceedings is not reflective of the correct position in law and the issue is left to be decided in an appropriate case, should the need arise in future.
- 7 The Curative Petitions are disposed of.

8 Pending application, if any, stands disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Sanjiv Khanna]

.....J.
[B R Gavai]

.....J.
[J K Maheshwari]

New Delhi;
September 27, 2024
-S-

ITEM NO.301

COURT NO.1

SECTION III

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

CURATIVE PET(C) No.198/2022 in
Review Petition (Civil) Diary No. 18153/2022 in
C.A. No. 3701/2022

AIRPORT AUTHORITY OF INDIA

Petitioner(s)

VERSUS

GMR AIRPORTS LTD. & ANR.

Respondent(s)

(WITH IA No. 8185/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

Curative Petition (Civil) Diary No. 17015/2024 in Review Petition
(Civil) No 662 of 2023 in Civil Appeal No 3700 of 2022 (III)

(WITH IA No. 90164/2024 - CONDONATION OF DELAY IN FILING)

Date : 27-09-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Mr. Tushar Mehta, Solicitor General
Mr. K. M. Nataraj, A.S.G.
Mr. Nikilesh Ramachandran, AOR
Mr. Lovekesh Aggarwal, Adv.
Mr. Shubham Seth, Adv.

Mr. Tushar Mehta, Solicitor General
Mrs. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Vinayak Sharma, Adv.
Mr. Anil Kaushik, Adv.
Mr. Raman Yadav, Adv.
Ms. Astha Singh, Adv.

For Respondent(s) Dr. A.M. Singhvi, Sr. Adv.
Mr. Parag P. Tripathi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.

Mr. Milanka Chaudhury, Adv.
Mr. M.S. Ananth, Adv.
Ms. Aanchal Mullick, Adv.
Mr. Avishkar Singhvi, Adv.
Mr. Amit Bhandari, Adv.
Ms. Naina Pankaj Dubey, Adv.
Ms. Swet Shikha, Adv.
Ms. Harshita Agarwal, Adv.
Mr. Ramaswamy Srinivasan, Adv.
Mr. Abhinabh Garg, Adv.
Ms. Madhavi Agarwal, Adv.
Mr. Aryan Rachh, Adv.
Mr. E. C. Agrawala, AOR

Mr. Balbir Singh, Sr. Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Naman Tandon, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

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

- 1 Delay condoned.
- 2 The Curative Petitions are disposed of in terms of the signed order.
- 3 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)
ADDITIONAL REGISTRAR**

**(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR**

(Signed order is placed on the file)