

"C.R."

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 18TH DAY OF DECEMBER 2019 / 27TH AGRAHAYANA, 1941

WP(C).No.2224 OF 2019(C)

PETITIONERS:

- 1 MAHESH.G., AGED 37 YEARS,  
SON OF GANGADHARAN PILLAI G.,  
GEETHA BHAVAN, POREDOME P.O, KOLLAM – 691 534.
- 2 AZHIK NIZAR HASSAN, S/O NIZAR HASSAN,  
UDAYA DASSERIL, THONNALLEOR,  
PANTHALAM, PATHANAMTHITTA-689 501.

BY ADVS.  
SRI.K.RAMAKUMAR (SR.)  
SRI.T.RAMPRASAD UNNI  
SRI.S.M.PRASANTH  
SRI.G.RENJITH  
SMT.R.S.ASWINI SANKAR  
SRI.A.S.DHEERAJ  
SRI.T.H.ARAVIND

RESPONDENTS:

- 1 UNION OF INDIA  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,  
MINISTRY OF CIVIL AVIATION, RAJIV GANDHI BHAVAN,  
NEAR SAFDARJUNG AIRPORT, NEW DELHI – 110 003.
- 2 THE AIRPORTS AUTHORITY OF INDIA,  
REPRESENTED BY ITS CHAIRMAN,  
RAJIV GANDHI BHAVAN, NEAR SAFDARJUNG AIRPORT,  
NEW DELHI - 110 003.
- 3 THE REGIONAL EXECUTIVE DIRECTOR,  
AIRPORTS AUTHORITY OF INDIA,  
OPERATIONAL OFFICE,SOUTHERN REGION,  
CHENNAI AIRPORT, CHENNAI – 600 027.
- 4 THE AIRPORT DIRECTOR,  
AIRPORTS AUTHORITY OF INDIA,  
THIRUVANANTHAPURAM INTERNATIONAL AIRPORT,  
VALLAKADAVU P.O., THIRUVANANTHAPURAM – 695 008.

W.P(C) Nos.2224, 5482, 6076, 6823, 7060,  
7961 & 21321 of 2019

**:-1(A):-**

5 THE AIRPORTS ECONOMIC REGULATORY AUTHORITY OF INDIA,  
REPRESENTED BY ITS CHAIRMAN, RAJIV GANDHI BHAVAN,  
NEAR SAFDARJUNG AIRPORT, NEW DELHI – 110 003.

R1 BY SRI.P.L.VENUKUMAR, CGC  
R1-R5 BY ADV. SRI.LAKSHMEESH.S.KAMATH  
R1-R5 BY ADV. SRI.V.SANTHARAM  
R1-R5 BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

OTHERS PRESENT:

SRI.K.M.NATARAJ, ADDL.SOLICITOR GENERAL OF INDIA  
SRI.N.N.SUGUNAPALAN(SR) FOR R2 TO R5  
SRI.K.RAMKUMAR(SR)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18.12.2019, ALONG WITH  
WP(C).21321/2019(M), WP(C).5482/2019(I), WP(C).6076/2019(H), WP(C).6823/2019(C),  
WP(C).7060/2019(F), WP(C).7961/2019(U), THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

W.P(C) Nos.2224, 5482, 6076, 6823, 7060,  
7961 & 21321 of 2019

- : 2 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR.JUSTICE A.M.SHAFIQU

WEDNESDAY, THE 18TH DAY OF DECEMBER 2019 / 27TH AGRAHAYANA, 1941

WP(C).No.5482 OF 2019(I)

PETITIONER:

AIRPORTS AUTHORITY EMPLOYEES' UNION(REG.NO.3515),  
CALICUT INTERNATIONAL AIRPORT BRANCH, 1-145, CALICUT,  
REPRESENTED BY ITS SECRETARY SOBHAN.P.V.

BY ADVS.  
SMT.DAISY A.PHILIPOSE  
SRI.JAI GEORGE

RESPONDENTS:

- 1 UNION OF INDIA,  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
MINISTRY OF CIVIL AVIATION, RAJIV GANDHI BHAVAN,  
NEAR SAFDARJUNG AIRPORT, NEW DELHI - 110 003.
- 2 THE AIRPORTS AUTHORITY OF INDIA,  
RAJIV GANDHI BHAVAN, NEAR SAFDARJUNG AIRPORT,  
NEW DELHI - 110 003, REPRESENTED BY ITS CHAIRMAN.
- 3 THE AIRPORTS ECONOMIC REGULATORY AUTHORITY OF INDIA,  
RAJIV GANDHI BHAVAN, NEAR SAFDARJUNG AIRPORT,  
NEW DELHI - 110 003, REPRESENTED BY ITS CHAIRMAN.
- 4 THE EXECUTIVE DIRECTOR,  
KEY INFRASTRUCTURE DEVELOPMENT,  
RAJIV GANDHI BHAVAN, NEAR SAFDARJUNG AIRPORT,  
NEW DELHI - 110 003.
- 5 THE AIRPORTS DIRECTOR, AIRPORTS AUTHORITY OF INDIA,  
THIRUVANANTHAPURAM INTERNATIONAL AIRPORT, VALLAKKADAVU P.O,  
THIRUVANANTHAPURAM - 695 008.
- 6 **ADDL.R6**.M/S.ADANI ENTERPRISES LIMITED,  
"ADANI HOUSE", NEAR MITHAKHALI SIX ROADS, NAVARANGPURA,  
AHMEDABAD-380 009, GUJARAT STATE.  
(ADDITIONAL R6 IS IMPEADED AS PER ORDER DATED 6.3.19 IN I.A.  
NO.01/2019)

W.P(C) Nos.2224, 5482, 6076, 6823, 7060,  
7961 & 21321 of 2019

**-:2(A):-**

R1 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA  
R1- BY SRI.K.M.NATARAJ, ADDITIONAL SOLICITOR OF INDIA  
R2-5 BY ADV. SRI.V.SANTHARAM  
R2-5 BY ADV. SRI.LAKSHMEESH.S.KAMATH  
R3-5 BY ADV. SRI.N.N.SUGUNAPALAN (SR.)  
R6 BY ADV. SRI.ROSHEN.D.ALEXANDER  
R6 BY ADV. SMT.TINA ALEX THOMAS  
R6 BY ADV. SRI.BECHU KURIAN THOMAS (SR.)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18.12.2019, ALONG WITH WP(C).21321/2019(M), WP(C).2224/2019(C), WP(C).6076/2019(H), WP(C).6823/2019(C), WP(C).7060/2019(F), WP(C).7961/2019(U), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C) Nos.2224, 5482, 6076, 6823, 7060,  
7961 & 21321 of 2019

- : 3 :-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 18TH DAY OF DECEMBER 2019 / 27TH AGRAHAYANA, 1941

WP(C).No.6076 OF 2019(H)

PETITIONER:

KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION LIMITED  
KESTON ROAD, KOWDIAR, THIRUVANANTHAPURAM 695 003  
REPRESENTED BY ITS EXECUTIVE DIRECTOR.

BY ADVS.  
SRI.K.JAJU BABU (SR.)  
SMT.M.U.VIJAYALAKSHMI  
SRI.BRIJESH MOHAN

RESPONDENTS:

- 1 UNION OF INDIA,  
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF INDIA,  
MINISTRY OF CIVIL AVIATION, RAJEEV GANDHI BHAVAN,  
SAFTHARJAN AIRPORT, NEW DELHI - 110003.
- 2 STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO  
GOVERNMENT OF KERALA, TRANSPORT DEPARTMENT, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 3 AIRPORT AUTHORITY OF INDIA,  
RAJEEV GANDHI BHAVAN, SAFTHARJAN AIRPORT,  
NEW-DELHI - 110 003, REPRESENTED BY EXECUTIVE DIRECTOR,  
K.I.D, RAJEEV GANDHI BHAVAN, SAFTHARJAN AIRPORT,  
NEW-DELHI - 110 003.
- 4 G.M.R AIRPORTS LTD, SKIP HOUSE, 25/1, MUSEUM ROAD,  
BANGALORE, KARNATAKA - 560025  
REPRESENTED BY ITS MANAGING DIRECTOR.
- 5 ADANI ENTERPRISES LTD, ADANI HOUSE, SHRIMALI SOCIETY,  
MITHAKHALI-6 ROAD, NAVARANGAPURA, AHAHAMEDBAD, GUJARAT 380 009,  
REPRESENTED BY ITS MANAGING DIRECTOR.

W.P(C) Nos.2224, 5482, 6076, 6823, 7060,  
7961 & 21321 of 2019

**:-3(A):-**

ADDL.R6 S.DILEEP, AGED 50 YEARS,  
S/O. LATE SHAHUL HAMEED, RESIDING AT SUNIA MANZIL,  
RUBY NAGAR, CHALI, THIRUVANANTHAPURAM.

ADDL.6TH RESPONDENT IS IMPEADED AS PER ORDER DATED 18.12.2019 IN  
I.A. NO.2 OF 2019 IN W.P(C) NO.6076 OF 2019.

R1 BY ADV. SRI.P.VIJAYAKUMAR, ASG OF INDIA  
R1 BY SRI.K.M.NATARAJ, ADDITIONAL SOLICITOR GENERAL OF OF INDIA  
R1 BY SRI.JAISHANKAR V.NAIR, CGC  
R3 BY ADV. SRI.V.SANTHARAM  
R3 BY ADV. SRI.LAKSHMEESH.S.KAMATH  
R2 BY SR. GOVERNMENT PLEADER SRI.ARAVIND KUMAR BABU  
R3 BY ADV. SRI.N.N.SUGUNAPALAN (SR.)  
R5 BY ADV. SRI.ROSHEN.D.ALEXANDER  
R5 BY ADV. SMT.TINA ALEX THOMAS  
R5 BY ADV. SRI.BECHU KURIAN THOMAS (SR.)  
R6 BY ADV. R.SUNIL KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18.12.2019, ALONG WITH  
WP(C).21321/2019(M), WP(C).2224/2019(C), WP(C).5482/2019(I), WP(C).6823/2019(C),  
WP(C).7060/2019(F), WP(C).7961/2019(U), THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

W.P(C) Nos.2224, 5482, 6076, 6823, 7060,  
7961 & 21321 of 2019

-:4:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 18TH DAY OF DECEMBER 2019 / 27TH AGRAHAYANA, 1941

WP(C).No.6823 OF 2019(C)

PETITIONER:

STATE OF KERALA,  
REPRESENTED BY ITS PRINCIPAL SECRETARY,  
TRANSPORT DEPARTMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER

RESPONDENTS:

- 1 THE UNION OF INDIA,  
REPRESENTED BY ITS SECRETARY,  
MINISTRY OF CIVIL AVIATION,  
GOVERNMENT OF INDIA, "B" BLOCK,  
RAJIV GANDHI BHAVAN, SAFDARJUNG AIRPORT,  
NEW DELHI - 110 003.
- 2 THE SECRETARY, MINISTRY OF CIVIL AVIATION,  
GOVERNMENT OF INDIA, "B" BLOCK, RAJIV GANDHI BHAVAN,  
SAFDARJUNG AIRPORT, NEW DELHI - 110 003.
- 3 AIRPORT AUTHORITY OF INDIA,  
REPRESENTED BY ITS EXECUTIVE DIRECTOR,  
RAJIV GANDHI BHAVAN, SAFDARJUNG AIRPORT,  
NEW DELHI - 110 003.
- 4 THE EXECUTIVE DIRECTOR, AIRPORT AUTHORITY OF INDIA,  
SAFDARJUNG AIRPORT, NEW DELHI - 110 003.
- 5 THE REGIONAL EXECUTIVE DIRECTOR, AIRPORTS AUTHORITY OF INDIA,  
AAI OPERATIONAL OFFICES COMPLEX, CHENNAI AIRPORT, CHENNAI- 600 027.
- 6 THE AIRPORT DIRECTOR, AIRPORTS AUTHORITY OF INDIA,  
THIRUVANANTHAPURAM INTERNATIONAL AIRPORT,  
VALLAKADAVU P.O., THIRUVANANTHAPURAM - 695 008.

W.P(C) Nos.2224, 5482, 6076, 6823, 7060,  
7961 & 21321 of 2019

--4(A)--

- 7 AIRPORTS ECONOMIC REGULATORY AUTHORITY OF INDIA,  
REPRESENTED BY ITS SECRETARY, AERA BUILDING,  
ADMINISTRATIVE COMPLEX, SAFDARJUNG AIRPORT,  
NEW DELHI - 110 003.
- 8 G.M.R. AIRPORTS LIMITED,  
SKIP HOUSE, 25/1, MUSEUM ROAD, BENGALURU,  
KARNATAKA - 560 025, REPRESENTED BY ITS MANAGING DIRECTOR.
- 9 ADANI ENTERPRISES LIMITED,  
ADANI HOUSE, SRIMALI SOCIETY, MITHIKHALI-6 ROAD, NAVARANGAPURI,  
AHMEDABAD, GUJARAT - 380 009, REPRESENTED BY ITS MANAGING  
DIRECTOR.
- 10 KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION,  
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE, T.C. XI/266,  
KESTON ROAD, KOWDIAR, THIRUVANANTHAPURAM - 695 003.

R1-2 BY ADV. SRI.P.VIJAYAKUMAR, ASG OF INDIA  
R1 BY SRI.K.M.NATARAJ, ADDITIONAL SOLICITOR GENERAL OF INDIA  
R3-7 BY ADV. SRI.V.SANTHARAM  
R3-7 BY ADV. SRI.LAKSHMEESH.S.KAMATH  
R3-7 BY ADV. SRI.N.N.SUGUNAPALAN (SR.)  
R9 BY ADV. SRI.ROSHEN.D.ALEXANDER  
R9 BY ADV. SMT.TINA ALEX THOMAS  
R9 BY ADV. SRI.BECHU KURIAN THOMAS (SR.)  
R10 BY ADV. SRI.K.JAJU BABU (SR.)  
R10 BY ADV. SRI.P.U.SHAILAJAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18.12.2019, ALONG WITH  
WP(C).21321/2019(M), WP(C).2224/2019(C), WP(C).5482/2019(I), WP(C).6076/2019(H),  
WP(C).7060/2019(F), WP(C).7961/2019(U), THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



W.P(C) Nos.2224, 5482, 6076, 6823, 7060,  
7961 & 21321 of 2019

-:5:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 18TH DAY OF DECEMBER 2019 / 27TH AGRAHAYANA, 1941

WP(C).No.7060 OF 2019(F)

PETITIONER:

M.VIJAYAKUMAR, AGED 70 YEARS,  
S/O.V.MADHAVAN PILLAI, RESIDING AT VIJAYSREE,  
EMS NAGAR,PATTOOR HOUSING COLONY, VANCHIYOOR POST,  
THIRUVANANTHAPURAM, PIN-695 035.

BY ADVS.  
SRI.T.KRISHNANUNNI (SR.)  
SRI.VINOD RAVINDRANTH  
SMT.MEENA.A.  
SMT.M.R.MINI  
SRI.ASHWIN SATHYANATH  
SRI.ROHIT NANDAKUMAR

RESPONDENTS:

- 1 UNION OF INDIA  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,  
MINISTRY OF CIVIL AVIATION,RAJIV GANDHI BHAVAN,  
NEAR SAFDARJUNG AIRPORT,NEW DELHI,PIN-110 003.
- 2 THE AIRPORTS AUTHORITY OF INDIA, REPRESENTED BY ITS CHAIRMAN,  
RAJIV GANDHI BHAVAN,NEAR SAFDARJUNG AIRPORT, NEW DELHI-110 003.
- 3 THE REGIONAL EXECUTIVE DIRECTOR, AIRPORTS AUTHORITY OF INDIA,  
OPERATIONAL OFFICE,SOUTHERN REGION, CHENNAI AIRPORT,  
CHENNAI-600 027.
- 4 THE AIRPORT DIRECTOR, AIRPORTS AUTHORITY OF INDIA,  
THIRUVANANTHAPURAM INTERNATIONAL AIRPORT, VALLAKADAVU.P.O,  
THIRUVANANTHAPURAM-695 008.
- 5 THE AIRPORTS ECONOMIC REGULATORY AUTHORITY OF INDIA,  
REPRESENTED BY ITS CHAIRMAN, RAJIV GANDHI BHAVAN,  
NEAR SAFDARJUNG AIRPORT, NEW DELHI-110 003.

W.P(C) Nos.2224, 5482, 6076, 6823, 7060,  
7961 & 21321 of 2019

--:5(A):-

6 STATE OF KERALA,  
REPRESENTED BY CHIEF SECRETARY,SECRETARIAT,  
PALAYAM, TRIVANDRUM-695 001.

7 ADANI ENTERPRISE LTD,  
ADANI CORPORATE OFFICE, ADANI HOUSE,  
NEAR MITHAKHALI SIX ROADS,NAVRANGPURA,  
AHMEDABAD-380 009,GUJARAT, INDIA.  
REPRESENTED BY ITS CHAIRMAN.

R1 BY ADV. SRI.P.VIJAYAKUMAR, ASG OF INDIA  
R1 BY SRI.K.M.NATARAJ, ADDITIONAL SOLICITOR GENERAL OF INDIA  
R2-5 BY ADV. SRI.V.SANTHARAM  
R2-5 BY ADV. SRI.LAKSHMEESH.S.KAMATH  
R2-5 BY ADV. SRI.N.N.SUGUNAPALAN (SR.)  
R6 BY SR.GOVERNMENT PLEADER SRI.ARAVIND KUMAR BABU  
R7 BY ADV. SRI.ROSHEN.D.ALEXANDER  
R7 BY ADV. SMT.TINA ALEX THOMAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18.12.2019, ALONG WITH  
WP(C).21321/2019(M), WP(C).2224/2019(C), WP(C).5482/2019(I), WP(C).6076/2019(H),  
WP(C).6823/2019(C), WP(C).7961/2019(U), THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

W.P(C) Nos.2224, 5482, 6076, 6823, 7060,  
7961 & 21321 of 2019

-:6:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 18TH DAY OF DECEMBER 2019 / 27TH AGRAHAYANA, 1941

WP(C).No.7961 OF 2019(U)

PETITIONERS:

- 1 K P SURESH, AGED 52, S/O. M. KANNAN,  
PRESIDENT OF THE AIRPORT AUTHORITY EMPLOYEE'S UNION,  
THIRUVANANTHAPURAM INTERNATIONAL AIRPORT, RESIDING AT B-11,  
AIRPORT STAFF QUARTERS, SHANKUMUGHOM, VALLAKKADAV,  
THIRUVANANTHAPURAM-695 008
- 2 S. AJITH KUMAR, AGED 52 YEARS,  
S/O. SREERAMAKRISHNA PILLA, BRANCH SECRETARY,  
AIRPORT AUTHORITY EMPLOYEE'S UNION, THIRUVANANTHAPURAM  
INTERNATIONAL AIRPORT, RESIDING AT 'KALA', TC 86/189-1, ITI JUNCTION,  
CHAKA, THIRUVANANTHAPURAM-695 024

BY ADVS.  
PRANOY K KOTTARAM  
SRI.GEORGE MATHEWS

RESPONDENTS:

- 1 UNION OF INDIA,  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,  
MINISTRY OF CIVIL AVIATION, RAJIV GANDHI BHAVAN,  
NEAR SAFDARJUNG AIRPORT, NEW DELHI-110 003.
- 2 THE AIRPORTS AUTHORITY OF INDIA  
REPRESENTED BY ITS CHAIRMAN, RAJIV GANDHI BHAVAN,  
NEAR SAFDARJUNG AIRPORT, NEW DELHI-110 003.
- 3 THE REGIONAL EXECUTIVE DIRECTOR,  
AIRPORTS AUTHORITY OF INDIA, OPERATIONAL OFFICE, SOUTHERN REGION,  
CHENNAI AIRPORT, CHENNAI-600 027.
- 4 THE AIRPORT DIRECTOR,  
AIRPORTS AUTHORITY OF INDIA,  
THIRUVANANTHAPURAM INTERNATIONAL AIRPORT, VALLAKADAVU P.O,  
THIRUVANANTHAPURAM-695 008

W.P(C) Nos.2224, 5482, 6076, 6823, 7060,  
7961 & 21321 of 2019

**:-6(A):-**

- 5 THE AIRPORTS ECONOMIC REGULATORY AUTHORITY OF INDIA  
REPRESENTED BY ITS CHAIRMAN, RAJIV GANDHI BHAVAN,  
NEAR SAFDARJUNG AIRPORT, NEW DELHI-110 003.
- 6 ADANI ENTERPRISES LIMITED,  
ADANI HOUSE, NEAR MITHAKHALI SIX ROADS, NAVRANGPURA,  
AHMEDABAD-380 009,GUJARAT, INDIA,  
REP. BY MANAGING DIRECTOR.

R1 BY SRI.K.M.NATARAJ, ADDITIONAL SOLICITOR GENERAL OF INDIA  
R1 BY SMT.MINI GOPINATH, CGC  
R2-5 BY ADV. SRI.V.SANTHARAM  
R2-5 BY ADV. SRI.LAKSHMEESH.S.KAMATH  
R2-5 BY ADV. SRI.N.N.SUGUNAPALAN (SR.)  
R6 BY ADV. SRI.ROSHEN.D.ALEXANDER  
R6 BY ADV. SMT.TINA ALEX THOMAS  
R6 BY ADV. SRI.BECHU KURIAN THOMAS (SR.)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18.12.2019, ALONG WITH  
WP(C).21321/2019(M), WP(C).2224/2019(C), WP(C).5482/2019(I), WP(C).6076/2019(H),  
WP(C).6823/2019(C), WP(C).7060/2019(F), THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

W.P(C) Nos.2224, 5482, 6076, 6823, 7060,  
7961 & 21321 of 2019

-:7:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 18TH DAY OF DECEMBER 2019 / 27TH AGRAHAYANA, 1941

WP(C).No.21321 OF 2019(M)

PETITIONERS:

- 1 THE TRIVANDRUM CHAMBER OF COMMERCE AND INDUSTRY,  
CHAMBER BUILDING, ITC ROAD, JAWAHAR NAGAR,  
KOWDIAR, TRIVANDRUM-695003,  
REPRESENTED BY ITS SECRETARY, ABRAHAM THOMAS.
- 2 S.N.REGHUCHANDRAN NAIR, PRESIDENT,  
THE TRIVANDRUM CHAMBER OF COMMERCE AND INDUSTRY,  
RESIDING AT TC.5/2619(8), BNRA-125,  
KOWDIAR.P.O., TRIVANDRUM-695003.

BY ADVS.  
SRI.K.JAYAKUMAR (SR.)  
SRI.M.SREEKUMAR  
SRI.A.ABDUL KHARIM

RESPONDENTS:

- 1 THE UNION OF INDIA, REPRESENTED BY ITS SECRETARY,  
MINISTRY OF CIVIL AVIATION, GOVERNMENT OF INDIA, "B" BLOCK,  
RAJIV GANDHI BHAVAN, SAFDARJUNG AIRPORT, NEW DELHI-110003.
- 2 THE SECRETARY, MINISTRY OF CIVIL AVIATION,  
GOVERNMENT OF INDIA, "B" BLOCK, RAJIV GANDHI BHAVAN,  
SAFDARJUNG AIRPORT, NEW DELHI-110003.
- 3 AIRPORT AUTHORITY OF INDIA,  
REPRESENTED BY ITS EXECUTIVE DIRECTOR,  
RAJIV GANDHI BHAVAN, SAFDARJUNG AIRPORT,  
NEW DELHI-110003.
- 4 THE EXECUTIVE DIRECTOR, AIRPORT AUTHORITY OF INDIA,  
RAJIV GANDHI BHAVAN, SAFDARJUNG AIRPORT, NEW DELHI-110003.
- 5 THE AIRPORT DIRECTOR, AIRPORTS AUTHORITY OF INDIA,  
THIRUVANANTHAPURAM INTERNATIONAL AIRPORT, VALLAKADAVU.P.O.,  
THIRUVANANTHAPURAM-695 008.

W.P(C) Nos.2224, 5482, 6076, 6823, 7060,  
7961 & 21321 of 2019

-:7(A):-

- 6 STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY,  
TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 7 KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION,  
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE, TC XI/266,  
KESTON ROAD, KOWDIAR.P.O., THIRUVANANTHAPURAM-695 003.
- 8 G.M.R.AIRPORTS LIMITED,  
SKIP HOUSE, 25/1, MUSEUM ROAD,  
BENGALURU, KARNATAKA-560025,  
REPRESENTED BY ITS MANAGING DIRECTOR.
- 9 ADANI ENTERPRISES LIMITED,  
ADANI HOUSE, SRIMALL SOCIETY, MITHIKHALI-6 ROAD, NAVARAGAPURI,  
AHMEDABAD, GUJARAT-380 009, REPRESENTED BY ITS MANAGING DIRECTOR.

R1-2 BY ADV. SRI.P.VIJAYAKUMAR, ASG OF INDIA

R1-BY SRI.K.M.NATARAJ, ADDITIONAL SOLICITOR GENERAL OF INDIA

R1-2 BY SRI.JAISHANKAR.V.NAIR, CGC

R3-5 BY ADV. SRI.V.SANTHARAM

R3-5 BY ADV. SRI.LAKSHMEESH.S.KAMATH

R6 BY SR.GOVERNMENT PLEADER SRI.ARAVIND KUMAR BABU

R7 BY SRI.K.JAJU BABU, SC,

KERALA STATE INDUSTRIAL DEVELOPMENT CORPN.

R7 BY ADV. SRI.P.U.SHAILAJAN

R7 BY ADV. SRI.K.JAJU BABU (SR.)

R9 BY ADV. ROSHEN.D. ALEXANDER, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18.12.2019, ALONG WITH  
WP(C).2224/2019(C), WP(C).5482/2019(I), WP(C).6076/2019(H), WP(C).6823/2019(C),  
WP(C).7060/2019(F), WP(C).7961/2019(U), THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

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"C.R"

**JUDGMENT**

Dated this the 18<sup>th</sup> day of December, 2019

S. Manikumar, CJ

W.P.(C) No.2224 of 2019 is filed by one Mahesh G., for a declaration that all proceedings to entrust development, operation and management of Thiruvananthapuram International Airport now run by Airports Authority of India, to private entities pursuant to Exhibit-P1, Request For Proposal dated 14.12.2018 issued by the Airports Authority of India or otherwise, as *ultra vires* of the provisions of the Airports Authority of India Act, 1994 and also in violation of Articles 14, 19 and 21 of the Constitution of India and, therefore, liable to be declared illegal.

2. W.P.(C) No.5482 of 2019 is filed by Airports Authority Employees' Union, for a writ of certiorari calling for the records relating to Exhibit-P4, decision of the Union Cabinet, and Exhibit-P5, Request For Proposal dated 14.2.2018 issued by the 4<sup>th</sup> respondent, and to quash the same as illegal.

3. Petitioner has also sought for a writ of mandamus directing the Union of India represented by the Secretary to the Government, New Delhi and The Airport Authority of India, represented by its Chairman, New Delhi,

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respondent Nos. 1 and 2 respectively, not to lease out six airports i.e. Ahmedabad, Jaipur, Lucknow, Guwahati, Mangaluru and Thiruvananthapuram, for the operations, management and development under the Public Private Partnership, on the basis of Exhibit-P4.

4. W.P.(C) No.6076 of 2019 is filed by the Kerala State Industrial Development Corporation Limited, for a writ of certiorari calling for the records relating to Exhibit-P5, Request For Proposal (RFP) notified by the Airport Authority of India, respondent No.3, dated 14.2.2018, and Exhibit-P14, price bid statement of Government e-Procurement system notified on 25.02.2019, and to quash the same.

5. Petitioner has also sought for a writ of mandamus, directing Union of India, represented by the Secretary to the Government of India, New Delhi and Airport Authority of India, New Delhi, respondent Nos.1 and 3 respectively, to honour the commitment in Exhibit-P1 therein, letter vide No.1413/SCA/2003 dated 23.04.2003 issued by respondent No.1, and Exhibit-P2, letter DO.No.AV.24018/1/99 - AA IP-3 dated 02.12.2003 of respondent No.1, in the matter of operation, management and development of Thiruvananthapuram International Airport.



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6. W.P.(C) No.6823 of 2019 has been filed by State of Kerala with the following prayers:

“(i) Declare that Exhibit P13 Request for Proposal (RFP) for concession with regard to the Operation, Management and Development of Thiruvananthapuram International Airport is without jurisdiction, illegal and violative of Section 12A of the Airport Authority Act;

(ii) Declare that Petitioner State of Kerala is entitled to preferential consideration over the ninth respondent in public interest as regards the Concession for Operation, Development and Management of Thiruvananthapuram airport, in view of the mandate of Section 12A of the Airport Authority Act;

(iii) Declare that the third respondent Airport Authority of India is bound to accept the proposal of the State Government through the tenth respondent for grant of concession facility at par with the amount offered by the ninth respondent;

(iv) Issue a writ of mandamus or any other appropriate writ or order or direction commanding the 3<sup>rd</sup> respondent to positively consider the offer of the State of Kerala, as revealed from Exhibits P19 and P20 letters, before finalizing the Tender pursuant to Exhibit P13;

(v) Issue a writ of certiorari or any other appropriate writ or order or direction calling for the records leading to Exhibit P9

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and quash the same, in so far as it limits the Right of First Refusal (RFP) to the petitioner State in the manner to plus or minus 10%.”

7. W.P.(C) No.7060 of 2019 is filed by one M.Vijayakumar, to declare that all proceedings to entrust the development, operation and management of Thiruvananthapuram International Airport now run by Airports Authority of India to private entities, either pursuant to Exhibit-P1, relevant portion of Request For Proposal dated 14.12.2018 issued by the Airports Authority of India or otherwise, as *ultra vires* of the provisions of the Airports Authority of India Act, 1994, in violation of Articles 14, 19 and 21 of the Constitution of India, and therefore, liable to be declared illegal.

8. W.P.(C) No.7961 of 2019 is filed as a public interest writ petition by one K.P.Suresh and another for, *inter alia*, declaring that all proceedings, to entrust the development, operation and management of Thiruvananthapuram International Airport now run by Airports Authority of India to Adani Enterprises Limited, Gujarat, represented by its Managing Director, respondent No.6, either pursuant to Exhibit-P1 therein, relevant portion of Request for Proposal dated 14.12.2018 issued by the Airports Authority of India or otherwise, as *ultra vires* of the provisions of the

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Airports Authority of India Act, 1994, in violation of of Articles 14, 19 and 21 of the Constitution of India, and therefore, liable to be declared illegal.

9. Petitioner in W.P.(C) No.7961 of 2019 has also sought for a mandamus, forbearing the respondents from entrusting the development, operation and management of Thiruvananthapuram International Airport to any private entity other than the Airports Authority of India as the same as patently illegal and violative of the fundamental rights guaranteed to him. He has also sought to call for the records leading to Exhibit-P1 notice dated 14.12.2018 issued by the Airport Authority of India inviting proposal to operate, manage and develop Thiruvananthapuram International Airport, and to quash the same by issuance of writ of certiorari.

10. W.P.(C) No.21321 of 2019 is filed by Thiruvananthapuram Chamber of Commerce & Industry and another, for a writ of mandamus directing the Union of India, represented by its Secretary, New Delhi, The Secretary, Ministry of Civil Aviation, Government of India, New Delhi, and Airport Authority of India, represented by its Executive Director, New Delhi, respondent Nos.1 to 3 respectively, to finalise the tender process of awarding the contract of Operation, Management and Development of Thiruvananthapuram International Airport in the interest of justice.

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11. Record of proceedings in one of the writ petitions, viz., W.P.(C) No.7060 of 2019 dated 11.03.2019, shows that a Hon'ble Division Bench of this Court has passed the following order:

“The petitioner, who is the former Minister, has filed this Public Interest Litigation (PIL) to challenge the entrustment of *development, operation and management* of the Thiruvananthapuram International Airport by private entities, through the *Request For Proposals* (RFP) dated 14.12.2018 (Ext.P1), issued by the *Airports Authority of India* (AAI). The main contention of the petitioner is that the Thiruvananthapuram International Airport is currently operated directly by the *Airports Authority of India* and there is no circumstance which would warrant entrustment of the *operation, management and development* of the Airport, to a private party. Moreover, such entrustment would be violative of the *Airports Authority of India Act, 1994*.

2. On the other hand, the learned Additional Advocate General Shri Renjith Thampan would submit that the State independently and the *Kerala State Industrial Development Corporation Limited* has filed separate writ petitions on the same issue. Some private parties have also challenged the proposed handing over of the Airport, to a private operator.

3. Because of the contentions made in the other cases, the learned single Judge interfered with the steps taken pursuant to the *Request For Proposal* and made it clear that further proceedings would be subject to the result of the W.P(C) No.6076 of 2019.

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4. Considering the contentions, we deem it appropriate to admit this PIL and issue notice to the respondents. Shri P. Vijayakumar, the learned Assistant Solicitor General of India takes notice for the first respondent. The learned counsel Shri V. Santharam accepts notice for the respondents 2 to 5. The learned lawyer Shri Roshan D. Alexander entered appearance for the 7<sup>th</sup> respondent. While admitting this case, it is made clear that further steps pursuant to Ext.P1 notice, shall be subject to the result of the writ petition.

5. The pleadings in case should be completed by 25.03.2019. The Registry to ensure that this case is posted along with the connected writ petitions, i.e. W.P(C) Nos.2224 of 2019, 5482 of 2019, 6076 of 2019 and 6823 of 2019, on 28.03.2019.”

12. Record of proceedings further shows that the writ court held that order passed in W.P.(C) No.7060 of 2019 is applicable to other writ petitions. Hence, the above writ petitions were tagged together.

13. On this day, when the matter came up for hearing, on behalf of Union of India, represented by its Secretary to the Government, respondent No.1 in all the writ petitions, Mr.K.M.Nataraj, learned Additional Solicitor General of India, submitted that hitherto the operation, management and development of the airports in India were done by the Airports Authority of India. He submitted that Central Government have taken a policy decision to lease out six airports, namely, Ahmedabad, Jaipur, Lucknow, Guwahati,

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Mangaluru and Thiruvananthapuram in the first phase for development, operation and management under Public Private Partnership.

14. Inviting the attention of this Court to Entry 29 of List I, Seventh Schedule of the Constitution of India, learned Additional Solicitor General of India, submitted that under Section 40 of the Airports Authority of India Act, 1994, Central Government is empowered to take a policy decision, to lease out the above Airports for the purpose of operation, management and development of airports, which, in the case on hand, has been taken. Pursuant to the same, in exercise of powers conferred under Section 12A, Airports Authority of India has floated a tender.

15. Referring to Section 12A(2) of the Airports Authority of India Act, 1994, learned Additional Solicitor General of India, submitted that "no lease under sub-section (1) shall be made without the previous approval of the Central Government. He also invited the attention of this Court to Article 131 of the Constitution of India and submitted that if there is a dispute between Government of India and one or more States, jurisdiction of the High Court is ousted and the Hon'ble Supreme Court alone would have the jurisdiction to the exclusion of any other court having original jurisdiction to entertain a suit.

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16. Inviting the attention of this Court to W.P.(C) No.6823 of 2019 filed by State of Kerala for the reliefs stated supra, learned Additional Solicitor General submitted that writ petition filed by Government of Kerala is not maintainable. He further submitted that in terms of Section 12(A)(2) of the Airports Authority of India Act, 1994 lease under sub-section (1) of Section 12A of the Act has not been approved by the Central Government so far and, therefore, all the writ petitions challenging the policy decision of the Central Government taken in terms of Section 40 of the Airports Authority of India, 1994 and the challenge to the tender are premature and hence, writ petitions are not maintainable.

17. Taking through the averments in paragraphs (2) and (12) of W.P.(C) No.6823 of 2019 and placing reliance on the decisions of the Hon'ble Supreme Court in State of **Rajasthan and Others v. Union of India** reported in [(1977) 3 SCC 592], (1994) 4 SCC 238, and **State of Bihar v. Union of India and Another** reported in [(1970) 1 SCC 67], Mr.Ranjith Thampan, learned Additional Advocate General submitted that it is settled law that in a suit in terms of Article 131 of the Constitution of India, it could only be the constituent units of the Union of India and the Government of India arrayed on one side or the other either singly or

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jointly with another unit or the Government of India. Thus, according to him, as settled by the Hon'ble Supreme Court in a catena of decisions, a dispute which fell within the ambit of Article 131 of the Constitution could only be determined in the Honourable Supreme Court if there had not been impleaded in the said dispute any private party, be it a citizen or a firm or a corporation along with a State either jointly or in the alternative and that a dispute in which such a private party was involved must be brought before a Court, other than the Hon'ble Apex Court. According to the learned Additional Advocate General, it is also settled law that the enlarged definition of 'State' given in Parts III and IV of the Constitution would not be attracted to Article 131 of the Constitution. Thus the Airport Authority of India cannot be considered to be "a State" for the purpose of Article 131 of the Constitution. The lis in these writ petitions cannot be finalised without the Airport Authority of India or its Officers or the respondents 8 and 9, being impleaded as parties. Thus, respondents 3 to 6, 8 and 9 are necessary parties to the lis, and no suit on the cause of action traced in this writ petition, can be sustained before the Hon'ble Supreme Court in terms of Article 131 of the Constitution of India and, as such, this writ petition is maintainable before this Court on the various grounds raised.



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18. Inviting the attention of this Court to the prayers sought for in W.P.(C) No.6823 of 2019 filed by State of Kerala, he submitted that the reliefs sought for are only against Airports Authority of India and, therefore, instant writ petition is maintainable.

19. It is also his submission that State of Kerala has the State of Arts facilities with all expertise and thus, the Airports at Kochi and Kannur, have been established, well-maintained and developed by the State.

20. According to the learned Additional Advocate General, lands upon which airports were initially established, continue to vest with the State Government. Earlier, decisions were also taken not to privatize the airports and that the same are not honoured.

21. Learned Additional Advocate General, Government of Kerala, further submitted that State of Kerala has given the entire infrastructural and other facilities for promoting the affairs of airports and is continuing to do so, for the betterment of airports, international and domestic terminals. State Government is also interested in promoting the affairs of the airports to the best interest of the people in Kerala. For the above reasons, he

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submitted that writ petition filed by the Government of Kerala is maintainable. He has also contended that there are private respondents impleaded in W.P.(C) No.6076 of 2019 and in the light of the decisions stated supra, by no stretch of imagination, it can be contended that the writ petition is not maintainable.

22. Mr.Jaju Babu, learned Senior Counsel for the Kerala State Industrial Development Corporation Ltd., petitioner in W.P.(C) No.6076 of 2019, submitted that apprehending the possibility of privatization of Thiruvananthapuram International Airport, the State Government moved the Central Government in the year 2003 and Union of India, New Delhi, has categorically informed that there were no plans to handover the airport to any private agency. Subsequently, the said decision was also reiterated. According to the learned Senior Counsel, in an arbitrary manner, Union of India has decided to privatize the airports.

23. On behalf of Airports Authority Employees Union, petitioner in W.P.(C) No.5482 of 2019, Mrs. Daisy A. Philipose made a statement that Employees' Union has not challenged the policy decision of the Central Government. The Union apprehends that if airports are privatized, service conditions of the employees would be varied and that the employees

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would, either seek for transfer and there would be a reduction of 12% of the existing staff.

24. By inviting the attention of this Court to Exhibit-P4, decision of the Union Cabinet, posted on 8.11.2018, and Exhibit-P14 decision of the Union Cabinet, posted on 3.7.2019, learned counsel submitted that in-principle decision has been taken by the Airports Authority of India for leasing out six airports i.e. Ahmedabad, Jaipur, Lucknow, Guwahati, Mangaluru and Thiruvananthapuram, for operations, management and development under the Public Private Partnership and, therefore, Airports Authority Employees' Union has sought for a writ of certiorari to quash the Cabinet's in-principle approval (Exhibit-P4) and also the concession for operations, management and development of Thiruvananthapuram International Airport. According to her, when the Union Cabinet's decision itself has been challenged, W.P.(C) No.5482 of 2019 is maintainable.

25. Mr. Jayakumar, learned Senior Counsel for the Trivandrum Chamber of Commerce and Industry and Another, petitioners in W.P.(C) No.21321 of 2019, submitted that the petitioners are with the Central Government and sought for a writ of mandamus directing respondents 1 to 3 therein to finalise the tender process of awarding the contract of

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Operation, Management and Development of Thiruvananthapuram International Airport.

26. Mr.Grashious Kuriakose, learned Senior Counsel for the petitioners in W.P.(C) No.7961 of 2019, submitted that the petitioners are challenging the policy decision of the Government. According to the learned Senior Counsel, if airports are privatised, service conditions of the employees will be varied and, therefore, before finalising the tender process, Central Government should give an opportunity to the employees to be heard.

27. Mr.Roshen D.Alexander, learned counsel for the 9<sup>th</sup> respondent, opposed the maintainability of the writ petitions on the grounds, inter alia, that Government of Kerala is meddling with the tender process initiated by Airports Authority of India, which is a State, under Article 12 of the Constitution of India. According to him Exhibit-P13 Request for Proposals dated 14.12.2018 with regard to concession for operation, management and development of Thiruvananthapuram International Airport and Exhibit-P19 letter dated 27.02.2019 sent by the Hon'ble Chief Minister of Kerala to the Hon'ble Union Minister of Civil Aviation, were proceedings taken in the course of usual business of Government of India.

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28. According to him, Government of Kerala or the other petitioners cannot maintain writ petitions in the absence of violation of fundamental right or legal rights, under Article 226 of the Constitution of India. Being a policy decision taken by the Central Government, it is not open to the State Government to assail Exhibits-P13 and P19 under Article 131 of the Constitution of India.

29. Heard learned counsel for the parties and perused the material available on record.

30. Exhibit-P9 in W.P.(C) No.6823 of 2019 is the minutes of second meeting of the Empowered Group of Secretaries (EGoS) dated 4.12.2018 at Yojana Bhavan. The same reads as follows:

"Minutes of the 2<sup>nd</sup> meeting of the Empowered Group of Secretaries(EGOS) held under the chairmanship of CEO, NITI Aayog on 04.12.2018 at Yojana Bhavan.

The second meeting of the EGOS was held under the chairmanship of CEO, NITI Aayog on 4<sup>th</sup> Dec., 2018, at 12.00 noon to discuss the proposal of Hon'ble Chief Minister of Kerala for de-linking Trivandrum airport from the PPP process of 6 airports.

2. The list of Participants is attached at Annexure-1.
3. The Chief Secretary, Govt. of Kerala made a representation before the Empowered Group of Secretaries (EGOS) indicating the

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options of Govt. of Kerala for proposed PPP of Trivandrum airport. A copy of the presentation is enclosed. During the presentation it was mentioned that the existing airport at Trivandrum has 628.59 acres of land, of which 330 acres were acquired by Airports Authority directly, 258 acres were donated by the then Maharaja for the airport and the remaining 41 acres of land was acquired by Govt. of Kerala and transferred to AAI free of cost. Accordingly, they have argued that instead of privatization, the airport should be developed in partnership with the State Government more so because the State Government has shown its capability by developing Cochin and Kannur airports. At this stage, it was clarified to the State Government that there is no outright sale of ownership to PPP partner, and that Govt. of India has approved long term leasing of Trivandrum airport for operation, development and maintenance with the ownership being retained by AAI. The airport will come back to AAI on expiry of lease.

4. The Chief Secretary recalled the letters given by Secretary, MOCA on 23<sup>rd</sup> April, 2003 and another letter on 2nd December 2003, wherein it was assured that the State Govt. will be consulted as and when a decision to induct private sector is taken. It was pointed out by MoCA that today's discussion with the State Government were in accordance with the said commitment given by the Ministry in 2003. The State Govt. proposed that Thiruvananthapuram Airport be transferred to an SPV consisting of Govt. of Kerala (26%), KSIDC (10%), Technical Partner(7-10%), NIIIF, KIFML, etc (54%), land to be given on nominal lease for 99 years with valuation as a going concern by an independent valuer. Accordingly, Govt. of Kerala has suggested the following two options for the consideration of EGOS:

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a) AAI may transfer the airport assets and operation to Govt. of Kerala (GOK). GOK thereafter will form an SPV as mentioned above and tie up with a strategic partner who is a proven "operator" at international level.

b) Alternatively, AAI may offer right of first refusal (ROFR) to the SPV of GOK and the SPV formed by GOK will participate in the Bid along with a strategic partner who has experience in Airport operations.

5. The CEO NITI Aayog expressed appreciation for the contribution of and expertise developed by GOK in the Airport Sector as evidenced by the successful operations of Kochi International Airport and Kannur International Airport. At the same time, there is no contradiction between the objective being pursued by the Central and State Governments. The Govt. of India's objective is to develop Trivandrum International Airport into a world class airport and to make it as a Hub Airport for Southern Region / South-East Asia which will have multiplier effect for the Region's economic growth. Accordingly, the bidding process is being framed to attract world-class operators. It was further pointed out that land being given free of cost to AAI for development of airport is not unique to Kerala, and that almost every single airport of AAI in the country has land parcels given free of cost by the State Governments in the last 70 years. If the logic of GOK is to be accepted, then no airport can be developed through PPP route. On the contrary, the development of Delhi, Mumbai, Hyderabad and Bangalore has shown the great success of PPP route.

6. After detailed deliberations and recognizing the expertise demonstrated by State Government in the airport sector, EGOS has

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decided offer two options to Government of Kerala as a special case in respect of PPP of Trivandrum airport:

Govt of India will invite Chief Secretary and other officials of Govt. of Kerala as special invitees for the purpose of participating in the selection process for the PPP partner for Trivandrum airport so as to address concerns/interests of the State Government.

OR

To proceed with alternative (b) above offered by GOK, with the stipulation that an entity/SPV in which GOK has a direct equity of 26% or more is eligible for right of first refusal provided that the SPV's bid falls within the range(plus or minus) of 10% of the highest bid. There shall also be 05 years equity lock-in period for the GOK in the SPV.

7. The State Government has been requested to indicate their choice latest by 11.12.2018 in view of tight timelines.

The meeting ended with vote of thanks to the Chair.”

31. Exhibit-P13 is the Request For Proposals dated 14.12.2018 with regard to concession for operation, management and development of Thiruvananthapuram International Airport, by which the Airports Authority of India invited objections from eligible members for operation, management and development of Thiruvananthapuram International Airport. Exhibit-P13 is the details of the invitation for bidding. According to the Central Government, as per Article 131 of the Constitution of India, a writ petition under Article 226 of the Constitution of India is not maintainable in this Court.



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32. The Airports Authority of India Act, 1994, as amended by the Airports Authority of India (Amendment) Act, 2003 is an Act to provide for the constitution of the Airports Authority of India and for the transfer and vesting of the undertakings of the International Airports Authority of India and the National Airports Authority to and in the Airports Authority of India so constituted for the better administration and cohesive management of airports and civil enclaves whereat air transport services are operated or are intended to be operated and of all aeronautical communication stations "for the purposes of establishing or assisting in the establishment of airports" and for matters connected therewith or incidental thereto. As per Section 2(g), "Authority" means the Airports Authority of India constituted under Section 3. Chapter II of the Act deals with Airports Authority of India.

"As per Section 3,-

(1) With effect from the appointed day, the Central Government shall, by notification in the Official Gazette, constitute an authority to be called the Airports Authority of India.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of-

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- (a) a Chairperson to be appointed by the Central Government;
  - (b) the Director General of Civil Aviation, or an officer not below the rank of the Deputy Director General of Civil Aviation, to be appointed by the Central Government, ex officio;
  - (c) not less than eight and not more than fourteen members to be appointed by the Central Government.
- (4) The Chairperson shall be a whole-time member and other members referred to in clause (c) of sub-section (3) may be appointed as whole-time or part-time members as the Central Government may think fit.
- (5) The Chairperson and the members referred to in clause (c) of sub-section (3) shall be chosen from among persons who have special knowledge and experience in air transport of any other transport services, industry, commercial or financial matters or administration and from among persons who are capable of representing organizations of workers and consumers.”

33. Chapter III of the Airports Authority of India (Amendment) Act, 2003, deals with functions of the authority. Sections 12 to 12A(4) read as follows:

12. (1) Subject to the rules, if any, made by the Central Government in this behalf, it shall be the function of the Authority to manage the airports, the civil enclaves and the aeronautical communication stations efficiently.
- (2) It shall be the duty of the Authority to provide air traffic service and air transport service at any airport and civil enclaves.
- (3) Without prejudice to the generality of the provisions contained in sub-sections (1) and (2), the Authority may—

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(a) plan, develop, construct and maintain runways, taxiways, aprons and terminals and ancillary buildings at the airports and civil enclaves;

4 "(aa) establish airports, or assist in the establishment of private airports by rendering such technical, financial or other assistance which the Central Government may consider necessary for such purpose".

(b) plan, procure, install and maintain navigational aids, communication equipment, beacons and ground aids at the airports and at such locations as may be considered necessary for safe navigation and operation of aircrafts;

(c) provide air safety services and search and rescue, facilities in co-ordination with other agencies;

(d) establish schools or institutions or centers for the training of its officers and employees in regard to any matter connected with the purposes of this Act;

(e) construct residential buildings for its employees; (f) establish and maintain hotels, restaurants and restrooms at or near the airports;

(g) establish warehouses and cargo complexes at the airports for the storage or processing of goods;

(h) arrange for postal, money exchange, insurance and telephone facilities for the use of passengers and other persons at the airports and civil enclaves;

(i) make appropriate arrangements for watch and ward at the airports and civil enclaves;

(j) regulate and control the plying of vehicles, and the entry and exit of passengers and visitors, in the airports and civil enclaves with due regard to the security and protocol functions of the Government of India;

(k) develop and provide consultancy, construction or management

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services, and undertake operations in India and abroad in relation to airports, air-navigation services, ground aids and safety services or any facilities thereat;

(l) establish and manage heliports and airstrips;

(m) provide such transport facility as are, in the opinion of the Authority, necessary to the passengers traveling by air;

(n) form one or more companies under the Companies Act, 1956 or under any other law relating to companies to further the efficient discharge of the functions imposed on it by this Act;

(o) take all such steps as may be necessary or convenient for, or may be incidental to, the exercise of any power or the discharge of any function conferred or imposed on it by this Act;

(p) perform any other function considered necessary or desirable by the Central Government for ensuring the safe and efficient operation of aircraft to, from and across the air space of India;

(q) establish training institutes and workshops;

(r) any other activity at the airports and the civil enclaves in the best commercial interests of the Authority including cargo handling, setting up of joint ventures for the discharge of any function assigned to the Authority.

(4) In the discharge of its functions under this section, the Authority shall have due regard to the development of air transport service and to the efficiency, economy and safety of such service.

(5) Nothing contained in this section shall be construed as-

(a) authorizing the disregard by the Authority of any law for the time being in force; or

(b) authorizing any person to institute any proceeding in respect of duty or liability to which the Authority or its officers or other employees would not otherwise be subject.

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“12A (1) Notwithstanding anything contained in this Act, the Authority may, in the public interest or in the interest of better management of airports, make a lease of the premises of an airport (including buildings and structures thereon and appertaining thereto) to carry out some of its functions under section 12 as the Authority may deem fit: 5 Added by section 6 of the AAI Amendment Act, 2003 13 Provided lease shall not affect the functions of the Authority under section 12 which relates to air traffic service or watch and ward at airports and civil enclaves.

(2) No lease under sub-section (1) shall be made without the previous approval of the Central Government.

(3) Any money, payable by the lessee in terms of the lease made under sub- section (1), shall form part of the fund of the Authority and shall be credited thereto as if such money is the receipt of the Authority for all purposes of section 24.

(4) The lessee, who has been assigned any function of the Authority under sub-section (1), shall have all the powers of the Authority necessary for the performance of such functions in terms of the lease”

34. Section 40 of the Act empowers the Central Government to take policy decisions. As per Section 40 of the Act, Airports Authority of India is bound by the directions on questions of policy as the Central Government may give in writing to it from time to time. Decision of the Central Government whether a question is one of policy or not shall be final. For brevity, Section 40 is extracted hereunder:-

“40. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy

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as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

(3) The Central Government may, from time to time, issue directions to the Authority regarding the discharge of any functions to it under clause (e) of sub-section (3) of section 12 and the Authority shall be bound to comply with such directions.”

35. A conjoint reading of Section 12(A) read with Section 40 of the Act makes it clear that the Central Government is empowered to take policy decisions and issue directions to the authority regarding discharge of any functions to it under sub section (3) of Section 12 and the authority is bound to comply with such directions.

36. In the case on hand, indisputably, the Central Government have taken a policy decision to lease out Thiruvananthapuram International Airport and that as per the statutory provisions, Airports Authority of India, an instrumentality of State falling within the definition of Article 12 of the Constitution of India, is bound to implement the same. Article 12 of the Constitution read thus:

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“12. Definition In this part, unless the context otherwise requires, the State includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.”

37. Question to be decided in this lis is, whether this Court has the jurisdiction to decide as to whether there is any dispute.- (1) between the Government of India of one or more states, or (2) between the Government of India and any State or States on one side and one or more States on the other; or (3) between two or more States, if and insofar as the dispute involves any question (whether of law or fact) on which the existence or extent of legal right depends. In **Union of India v. State of Rajasthan** reported in (1984) 4 SCC 238, the Hon'ble Supreme Court has considered a case wherein, :

“A consignment of tents and accessories was despatched from M.P. to the Collector, Barmer, Rajasthan through railways under R.R. for the Rehabilitation Department. But the consignment when arrived at Barmer was found to be seriously damaged and unfit for use. The goods were therefore auctioned. Since the claim of the consignee was not settled by the Railway Administration, a suit was filed by the State of Rajasthan through District Rehabilitation Officer, Barmer claiming damages against Union of India in District Court. The Union of India and the Railway Administration, inter alia,

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contended that the suit was not maintainable in view of exclusive jurisdiction of Supreme Court in the matter under Article 131.”

38. After considering the rival submissions and the decision of the Hon'ble Supreme Court in **State of Bihar v. Union of India** reported in (1970) 1 SCC 67, **Union of India v. State of Mysore** reported in (1976) 4 SCC 531, **State of Rajasthan v. Union of India** reported in (1977) 3 SCC 592, **State of Karnataka v. Union of India** reported in (1977) 4 SCC 608, at paragraph 12 and 13, it was held as follows:

“On a careful consideration of the whole matter in the light of the decisions of this Court referred to above, we feel that Article 131 of the Constitution is attracted only when a dispute arises between or amongst the States and the Union in the context of the constitutional relationship that exists between them and the powers, rights, duties, immunities, liabilities, disabilities etc. flowing therefrom. Any dispute which may arise between a State in the capacity of an employer in a factory, a manufacturer of goods subject to excise duty, a holder of a permit to run a stage carriage, a trader or businessman carrying on business not incidental to the ordinary functions of Government, a consumer of railway services etc. like any other private party on the one hand and the Union of India on the other cannot be construed as a dispute arising between the State and the Union in discharge of their respective executive powers attracting Article 131 of the Constitution. It could never have been the intention of the framers of the Constitution



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that any ordinary dispute of this nature would have to be decided exclusively by the Supreme Court. It is well to remember that the constitutional proposals of the Sapru Committee advocated the strengthening of the position of the Federal Court in India and widening its jurisdiction on the original side so that the Federal Court could act as an interpreter and guardian of the Constitution and as a tribunal for the determination of the disputes between the constituent units of the Federation. The Joint Committee on Indian Constitutional Reforms was also of opinion that the object of conferring exclusive original jurisdiction on the Federal Court was that the disputes of the kind specified between the Federation and the Provinces as the constituent units of the Federation should not be left to be decided by courts of law of a particular unit but be adjudicated upon only by the highest tribunal in the land which would be beyond the influence of any one constituent unit. The Special Committee consisting of Sriyuts S. Varadachariar, Alladi Krishnaswami Ayyar, B.L. Mitter. K.M. Munshi and B.N. Rau appointed by the constituent Assembly to consider and report on the constitution and powers of the Supreme Court suggested 'that the Supreme Court, like the Federal Court under the 1935 constitution, would be the best available forum for the adjudication of all disputes between the Union and a unit and between one unit and another and proposed that the court should have an exclusive original jurisdiction in such disputes'. (Vide The Framing of India's Constitution-A Study by Shri B. Shiva Rao at p. 483). Considered in the light of the foregoing the conclusion becomes inevitable that disputes of the nature involved in this case could not have been in the contemplation of the framers of the constitution when they

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adopted Article 131 of the Constitution.

In the instant case the legal right of the State of Rajasthan to sue for damages for the loss suffered by it on account of the damage caused to the goods transported through the Railway Administration as such is not in dispute between the Union Government and like State of Rajasthan. The State Government has made a claim the any other consignee of goods despatched through the railway for compensation and its success or failure in the suit depends on proof of facts which have to be established in the same way in which a private person would have to establish. This is not even a case where a formal contract is entered into between the Union of India and the State of Rajasthan in accordance with the requirements of Article 299 of the Constitution. It is just a commercial contract under which an officer of the State of Rajasthan was entitled to claim delivery of the goods consigned as any ordinary consignee. It may be noticed that the jurisdiction of the Supreme Court under Article 131 of the Constitution is subject to the other provisions of the Constitution. Under Article 298 of the Constitution the executive power of the Union and of each State extends to the carrying on of any trade or business and to the acquisition, holding and disposal of property and the making of contracts for any purpose. That Article further provides that the said executive power of the Union shall, in so far such trade or business or such purpose is not one with respect to which Parliament may make laws, be subject in each State to legislation by the State and said executive power of each State shall, in so far as such trade or business or such purpose is not one with respect to which the State Legislature may make laws,

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be subject to legislation by Parliament. The claim involved in this case is one based on section 80 of the Indian Railways Act 1890. Under that section a suit for compensation for loss of life of, damage, deterioration or non-delivery of animals or goods may be instituted if the passenger was or the animals or goods were booked from one station to another on the railway of the same Railway Administration against that Railway Administration and if the passenger was or the animals or goods were booked through over the railways of two or more railway administrations against the Railway Administration from which the passenger obtained his pass or purchased his ticket or to which the animals or goods were delivered for carriage, as the case may be, or against the railway administration on whose railway the destination station lies, or the loss, injury, destruction or damage or deterioration occurred and in either case the suit may be instituted in a court having jurisdiction over the place at which the passenger obtained his pass or purchased his ticket or the animals or goods were delivered for carriage, as the case may be, or over the place in which the destination station lies or the loss, injury, destruction, damage or deterioration occurred Section 80 of the Indian Railways Act 1890 indicates that the claim made under it is essentially against the Railway Administration concerned. The Union of Indian is impleaded as a party to suits instituted thereunder being the owner of the Indian Railways by virtue of Article 300 of the Constitution. The statute, however, treats the dispute as one between the Railway Administration concerned and the person instituting the suit. Neither of the parties to these proceeding, is questioning the applicability of the provisions of the Indian Railways Act, 1890 to

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these proceedings. It is, therefore, difficult to hold that in these proceedings is any question which falls within the scope of Article 131 of the Constitution."

39. In **State of Bihar v. Union of India and Another** reported in (1970) 1 SCC 67, the Hon'ble Supreme Court held thus:

"1. ....State of Bihar figures as the plaintiff. The Union of India is the first defendant in all of them while the second defendant in six is Hindustan Steel Ltd., and in three others the Indian Iron and Steel Company Ltd. The cause of action in all the suits is of the same nature. Briefly stated the plaintiff's case in all the suits is that "due to the negligence or deliberate action of the servants of both defendants there was a short delivery of iron and steel material ordered by the plaintiff to various sites in the State of Bihar in connection with the construction work of the Gandak Project". As the goods were in all cases booked by rail for despatch to the project site both defendants are sought to be made liable for short delivery, the first defendant as the owner of the railway and the second defendant as the consignor of the goods under contract with the State of Bihar for supply of the material. In each case there is a prayer for a decree for a specific sum of money to be passed either against the first defendant "or alternatively against the second defendant". Normally all suits of this kind are instituted all over India in different courts beginning from the courts of the lowest jurisdiction to the High Courts exercising original jurisdiction. The only distinguishing feature of this series of suits from others of every day occurrence in different courts is that a

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State is the plaintiff in each case. In all suits or a similar nature which are filed in courts other than this court, a notice under S.80 of the Code of Civil Procedure is an essential pre requisite. No such notice has been served in any of these cases.

The preliminary issues are:

1. Whether the alleged cause or causes of action in this suit are within the scope of Art.131 of the Constitution?
2. Whether this suit is within the scope of Art.131 of the Constitution in view of a non State, viz., defendant No. 2, Having been made a party to the suit?
3. Whether the suit is barred by the provisions of S.80 CPC for want of notice to defendant No. 1?

On the above facts, the Hon'ble Apex Court held thus:

2. The question before this Court is, whether the dispute in these cases is within the purview of that article (See foot note 1). It must be noted that the article confers jurisdiction on this Court to the exclusion of all other courts in any dispute between the parties mentioned therein. There is however an overriding provision that such jurisdiction is subject to the provisions of the Constitution and our attention was drawn to a few of these provisions where the disputes specified are to be adjudicated upon in entirely different manner. The most important features of Art.131 is that it makes no mention of any party other than the Government of India or any one or more of the States who can be arrayed as a disputant. The other distinguishing feature is that the Court is not required to adjudicate upon the disputes in exactly the same way as ordinary

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courts of law are normally called upon to do far upholding the rights of the parties and enforcement of its orders and decisions. The words in the article "if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends" are words of limitation on the exercise of that jurisdiction. These words indicate that the disputes should be in respect of legal rights and not disputes of a political character. Moreover, this Court is only concerned to give its decision on questions of law or of fact on which the existence or extent of a legal right claimed depends. Once the Court comes to its conclusion on the cases presented by any disputants and gives its adjudication on the facts or the points of law raised, the function of this Court under Art.131 is over. Art.131 does not prescribe that a suit must be filed in the Supreme Court for the complete adjudication of the dispute envisaged therein or the passing or a decree capable of execution in the ordinary way as decrees or other courts are. It is open to an aggrieved party to present a petition to this Court containing a full statement of the relevant facts and praying for the declaration of its rights as against the other disputants. Once that is done, the function of this Court under Art.131 is at an end. The framers of the Constitution do not appear to have contemplated the contingency of a party to an adjudication by this Court under Art.131 not complying with the declaration made. Our law is not without instances where a court may be called upon to make an adjudication of the rights of the parties to an agreement or an award simpliciter on the basis of such rights without passing a decree. A case in point is S.33 of the Indian Arbitration Act. Further, all adjudications by a court of law

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even under a decree in a suit need not necessarily be capable of enforcement by way of execution. S.42 of the Specific Relief Act, 1877 now replaced by S.34 of the new Act enables a person entitled to any legal character or to any right as to any property to institute a suit against any person denying or interested to deny his title to such character or right without asking for any further relief subject to the limitations prescribed by the section. We need not however lay much stress on this aspect of the case as we are only concerned to find out whether the suits can be entertained by this Court.

3. Clauses (a), (b) and (c) of the article specify the parties who can appear as disputants before this Court. Under cl. (a) it is the Government of India and one or more States; under clause (b) it is the Government of India and one or more States on one side and more or more other States on the other, while under clause (c) the parties can be two or more States without the Government of India being involved in the dispute. The specification of the parties is not of an inclusive kind. The express words of clauses (a), (b) and (c) exclude the idea of a private citizen, a firm or a corporation figuring as a disputant either alone or even along with a State or with the Government of India in the category of a party to the dispute. There is no scope for suggesting that a private citizen, a firm or a corporation can be arrayed as a party by itself on one side and one or more States including the Government of India on the other. Nor is there anything in the article which suggests a claim being made by or preferred against a private party jointly or in the alternative with a State or the Government of India. The framers of the Constitution appear not to have contemplated the case of a dispute

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in which a private citizen, a firm or a corporation is in any way involved as a fit subject for adjudication by this Court under its exclusive original jurisdiction conferred by Art.131.”

40. In **Union of India and Others v. State of Mysore** reported in AIR 1977 SC 127, the Hon'ble Apex Court considered a case, where the demand of excise duty on agriculture implements was disputed by the State Government. Going through the judgment, it is discernible as to why Union of India was made a party respondent in the writ petition and the Hon'ble Apex Court held that there was no dispute between the Central and State Government. The relevant portion of the judgment is extracted hereunder:

“1.....The High Court was moved by the State of Mysore under Art.226 of the Constitution for quashing the demand notice dated July 21, 1962 issued by the Inspector of Central Excise for the payment of Rs. 2,465.91 as excise duty on the products despatched by the State's Implements Factory.

The demand was made with reference to the newly inserted item 26AA in the First Schedule to the Central Excises and Salt Act, 1944, hereinafter referred to as the Act. That item was added to the Schedule by the Finance Act of 1962, and it was claimed by the Central Excise Department that, on the date of the amendment, the State Government was in possession of some stock of iron and steel product, namely, flats, squares and rods in its factory, which had been obtained from their manufacturers when they were not



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excisable articles. The precise claim of the Excise authorities was that the duty became payable on those articles by virtue of the newly inserted item 26AA because the aforesaid stock of iron and steel products was used for the manufacture of agricultural implements like 'mamties', pickaxes, sledge hammers, shovels and ploughes. The Assistant Collector of Central Excise explained in his letter dated June 19, 1962, that the agricultural implements which were manufactured in the State's Implements Factory fell within the preview of item 26AA as they were forged or extruded during the process of manufacturing the agricultural implements. It was contended that the demand was justified because the aforesaid iron and steel products, out of which the agricultural implements were manufactured, had not borne any excise duty at all. An appeal was preferred to the Collector of Central Excise against the demand, but without success. A revision was taken to the Central Government under the provisions of the Act, but it was also dismissed. That was why the State Government applied to the High Court for quashing the demand and for setting aside the appellate order of the Collector and the revisional order of the Central Government.

2. The Central Government traversed the claim of the State Government on the ground that as the rods and bars, which were held in stock by the State's Implements Factory, were "pre excise stock", and as they were put to further process by forging them into shovels, spades and other agricultural implements, they became liable to duty until the "pre excise stock" held by the factory on April 24, 1962 was utilised and converted into forged

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implements and was cleared from the factory. It was also urged that the petition was not maintainable in the High Court as it raised a dispute between the Government of India and the State Government within the meaning of Art.131 of the Constitution.

3. The High Court rejected both the contentions of the Central Government and quashed the impugned demand notice and the appellate and the revisional orders. That is why the Union of India has preferred the present appeal.

4. It is not in controversy that the claim for the levy of excise duty was based on sub-sections (1) and (1A) of S.3 of the Act which read as follows,

"3(1) There shall be levied and collected in such manner as may be prescribed duties of excise on all excisable goods other than salt which are produced or manufactured in India and a duty on salt manufactured in, or imported by land into, any part of India as, and at the rates, set forth in the First Schedule.

(1A) The provisions of sub-section (1) shall apply in respect of all excisable goods other than salt which are produced or manufactured in India by, or on behalf of, Government, as they apply in respect of goods which are not produced or manufactured by Government."

It is therefore quite clear, and is not in dispute before us, that the claim for the levy of excise duty in question could be justified only if it could be shown that excisable goods (other than salt) were produced or manufactured in the Implements Factory of the State Government. It was however admitted in the counter affidavit of

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the Senior Superintendent of Central Excise as follows, -

"In the case of the petitioner, since the rods and bars held in stock by the Implements Factory were pre excise stock and since these rods and bars were put to further process by forging the same into shovels, spades and other agricultural implements etc., they become liable to duty and therefore, duty was demanded on such forged articles during the period that is till such quantities of the bars and rods as were in stock with the factory on 2-4-62 were utilised and converted into forged implements and cleared from the factory."

This makes it quite clear that the rods and bars in question were not "produced or manufactured" in the State Government's Implements Factory. They could not therefore be subjected to the levy of excise duty. It is true that the rods and bars were utilised for the manufacture of agricultural implements like shovels and spades, but those agricultural implements were not of the description specified in item 26AA of the First Schedule with reference to S.3 of the Act.

Adverting to the ground that, the High Court ought to have held that the writ petition filed by the State, as not maintainable, considering the submission of the learned counsel for the State, the Hon'ble Supreme Court answered thus:

"5. It is admitted by Mr. Raman that agricultural implements were not included in the First Schedule to the Act and were not excisable articles. This appears to be so because they are the basic tools of trade by which a vast majority of the citizens of the country earn

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their livelihood. There could therefore be no question of levying any excise duty on shovels and spades or other agricultural instruments manufactured by the Implements Factory of the State Government and, as has been shown, the rods and bars which formed the pre excise stock of the factory had not been manufactured by the Implements Factory. S.3 of the Act could not therefore be invoked to levy excise duty merely on ground that the "pre excise stock" of rods and bars was utilised for the purpose of manufacturing agricultural instruments. There is therefore nothing wrong with the view which has prevailed with the High Court in this respect.

6. Mr. Raman tried to argue that the High Court erred in not applying Art.131 of the Constitution to the controversy even though the writ petition was barred thereunder as it fell exclusively within the jurisdiction of this Court under Art.131 of the Constitution as a dispute between the Government of India and the State of Mysore. The argument is however futile because there is nothing on the record to show that there was any such dispute between the Central and the State Governments. As the High Court has pointed out, the Union of India was made a party to the writ petition merely because it had dismissed the revision application of the State Government."

41. In interpreting the scope of Article 131 of the Constitution, in the case of **State of Rajasthan v. Union of India** [(1977) 3 SCC 592] Chandrachud, J., as he then was, held that the requirement is that the dispute must involve a question, whether of law or fact, on which the

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existence or extent of a legal right depends. It is this qualification which affords the true guide for determining whether a particular dispute is comprehended within Article 131. The purpose of Article 131 is to afford a forum for the resolution of disputes which depend for their decision on the existence or extent of a legal right. In the very same decision Bhagwati, J., as he then was, analysing Article 131 of the Constitution held that there are two limitations in regard to the nature of the suit whether it can be entertained by the Supreme Court under the article. One is in regard to parties and the other is in regard to the subject matter.

42. In **State of Karnataka v. Union of India** [(1977) 4 SCC 608], the Hon'ble Apex Court again considered the scope of Article 131 of the Constitution. Chandrachud, J., as he then was, held thus:

"162. The jurisdiction conferred on the Supreme Court by Art.131 of the Constitution should not be, tested on the anvil of banal rules which are applied under the Code of Civil Procedure for determining whether a suit is maintainable. Art.131 undoubtedly confers 'original jurisdiction' on the Supreme Court and the commonest form of a legal proceeding which is tried by a court in the exercise of its original jurisdiction is a suit. But a constitutional provision, which confers exclusive jurisdiction on this Court to entertain disputes of a certain nature in the exercise of its original jurisdiction, cannot be equated, with a provision conferring a right

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on a civil court to entertain a common suit so as to apply to, an original proceeding under Art.131 the canons of a suit which is ordinarily triable under S.15 of the Code of Civil Procedure by a court of the lowest grade competent to try it. Advisedly, the Constitution does not describe the proceeding which may be brought under Art.131 as a 'suit' and significantly, Art.131 uses words and phrases not commonly employed for determining the jurisdiction of a court of first instance to entertain and try a suit. It does not speak of a 'cause of action', an expression of known and definite legal import in the world of witness actions. Instead, it employs the word 'dispute', which is no part of the elliptical jargon of law. But above all, Art.131 which in a manner of speaking is a self contained code on matters falling within its purview, provides expressly for the condition subject to which an action can lie under it. That condition is expressed by the clause: 'if and insofar as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends'. By the very terms of the article, therefore, the sole condition which is required to be satisfied for invoking the original jurisdiction of this Court is that the dispute between the parties referred to in clauses (a) to (c) must involve a question on which the existence or extent of a legal right depends."

43. In **State of Rajasthan and Others v. Union of India and Others** [(1977) 3 SCC 592], the Hon'ble Supreme Court held thus:

"32. Even if it is possible to see a federal structure behind the setting up of separate executive, legislative, and judicial organs in

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the State and to urge, as it has been urged before us, that so long as the State Government and their legislatures are not shown to have committed a dereliction of their constitutional duties or violations of any constitutional provisions, they ought not to be interfered with by the Union Government, it is also apparent, both from the mechanism provided by Art.356 of our Constitution, as well as the manner in which it has been used on numerous occasions in the past since the inception of our Constitution that the Union Government is capable of enforcing its own views on such matters against those of the State Governments as to how the State Governments should function and who should hold the reins of power in the State so as to enable the Constitution to work in the manner the Union Government wants it to do in a situation such as the one now before us. Art.131 of the Constitution was certainly not meant to enable us to sit as a Court of appeal on such a dispute between the Union Government and a State Government. And, our Constitution is not an inflexible instrument, incapable of meeting the needs of such a situation.

91. Reference was made to passages from **States of Bihar v. Union of India, (1970 (1) SCC 67 : AIR 1970 SC 1446)**, and the **United Provinces v. The Governor General in Council, (1939 FCR 124 : AIR 1939 FC 58)**. It seems to me that the decision of this Court in State of **Bihar v. Union of India** (supra) was largely based upon the assumption that Art.131 was meant to cover the same area as S.204 of the Government of India Act. Moreover, the learned Additional Solicitor General, appearing on behalf of the Union, did not press the argument that Art.131 is

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confined to declaratory decrees in view of the fact that (as Mr. Seervai pointed out in the Constitutional Law of India, 2nd Edn. Vol. II at p. 1385) Art.142 (1) of the Constitution provides for enforcement of decrees of this Court. The view expressed in the Bihar case (supra) seemed to have been affected considerably by the fact that there was no provision in the Government of India Act of 1935 for the enforcement of the decree of the Federal Court, but Art.142 (1) seems to have been overlooked in that case.

103. The absence of the expression "State Government" and the use in its place of the expression "State" in Art.131, is said to furnish intrinsic evidence that for a suit to fall under that Article, the dispute must arise between the Government of India and a State, not between the Government of India and the Government of a State. The intrinsic evidence, it is argued, assumes greater credibility in the context that the article does employ the expression "Government of India" when what was meant was the government, as contradistinguished from the State. The presence of the particular expressions in Art.131 does not, in my opinion, support the inference, suggested on behalf of the Union of India. The use of the phrase "Government of India" in Art.131(a) and (b) does not mean that one party to the dispute has to be the Government of the day at the Centre. "Government of India" means "Union of India" because if there be merit in the logic that Art.131 does not comprehend disputes in which the Government of a State as contrasted with the State itself is interested, it must follow that correspondingly, the "Government of India" too cannot mean the Government for the time being in power at the centre.



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The true construction of Art.131(a), true in substance and true pragmatically, is that a dispute must arise between the Union of India and a State.

104. This may sound paradoxical because if the preliminary objection is unsustainable, it would be easier to say that the expression "Government of India" means "Government in office" and the expression "State" means the State as a polity and not "the Government in Office". But convenient interpretations are apt to blur the significance of issues involved for interpretations. Therefore, the effort has to be to accept what the words truly mean and to work out the Constitutional scheme as it may reasonably be assumed to have been conceived.

105. The dispute between the Union of India and a State cannot but be a dispute which arises out of the differences between the Government in office at the Centre and the Government in office in the State. "In office means 'in power' but the use of the latter expression may prudently be avoided with the realization of what goes with power. But there is a further prerequisite which narrows down the ambit of the class of disputes which fall within Art.131. That requirement is that the dispute must involve a question, whether of law or fact, on which the existence or extent of a legal right depends. It is this qualification which affords the true guide for determining whether a particular dispute is comprehended within Art.131. Mere wrangles between governments have no place in the scheme of that article. They have to be resolved elsewhere and by means less solemn and sacrosanct than a court proceeding.

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The purpose of Art.131 is to afford a forum for the resolution of disputes which depend for their decision on the existence or extent of a legal right. It is only when a legal, not a mere political, issue arises touching upon the existence or extent of a legal right that Art.131 is attracted.

107. The error the preliminary objection lies in the assumption that it is necessary for attracting Art.131 that the plaintiff must assert a legal right in itself. That article contains no such restrictions and it is sufficient in order that its provisions may apply that the plaintiff questions the legal or constitutional right asserted by the defendant, be it the Government of India or any other State. Such a challenge brings the suit within the terms of Art.131 for, the question for the decision of the Court is not whether this or that particular legislative assembly is entitled to continue in office but whether the Government of India, which asserts the constitutional right to dissolve the assembly on the grounds alleged, possesses any such right.

108. I find it difficult to accept that the State as a polity is not entitled to raise a dispute of this nature. In a federation, whether classical or quasi classical, the States are vitally interested in the definition of the powers of the Federal Government on one hand and their own on the other. A dispute bearing upon the delineation of those powers is precisely the one in which the federating States, no less than the Federal Government itself, are interested. The States, therefore, have the locus and the interest to contest and seek and adjudication of the claim set up by the Union

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Government. The bond of constitutional obligation between the Government of India and the States sustains that locus.

109. The expression "legal right" which occurs in Art.131 has to be understood in its proper perspective. In a strict sense, legal rights are correlative of legal duties and are defined as interests which the law protects by imposing corresponding duties on others. But in a generic sense, the word "right" is used to mean an immunity from the legal power of another: immunity is exemption from the power of another in the same way as liberty is exemption from the right of another. Immunity, in short, is no subjection. Salmond's Jurisprudence 11th Ed. PP. 276-7 R. W. M. Dias says in his "Jurisprudence" (1976 Ed. pp-33-4) that the word "right" has undergone successive shifts in meaning and connotes four different ideas concerning the activity, or potential activity, of one person with reference to another. One of these four jural relationships, according to the learned author, is the "you cannot" relationship, which is the same thing as the right of immunity which "denotes freedom from the power of another " (p. 58). Paton's book on Jurisprudence (3rd Ed. p. 256) contains a similar exposition of legal rights. The legal right of the States consists in their immunity, in the sense of freedom from the power of the Union Government. They are entitled, under Art.131, to assert that right either by contending in the absolute that the Centre has no power to dissolve the Legislative Assemblies or with the qualification that such a power cannot be exercised on the ground stated.

112. The judgment of this Court in **State of Bihar v. Union of**

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**India** (1970 (2) SCR 522 : AIR 1970 SC 1446) affords no real assistance on the question arising before us. In that case, the Court raised three issues in the suits filed under Art.131. The first issue which related to the question whether the suits were within the scope of Art.131 was not answered by the Court because it held on the second issue that the suits were not maintainable, since a private party was impleaded thereto. The only assistance which may be derived from the judgment in that case is that it said that the dispute under Art.131 should be "in respect of legal rights and not disputes of a political character" and that though it was unnecessary to define the scope of Art.131. "this much is certain that the legal right which is the subject of dispute must arise in the context of the Constitution and the Federalism it sets up" (p. 529) (of SCR) : (at p. 1451 of AIR). These observations do not affect the construction which I have placed on Art.131. I have endeavoured to show that it is competent to the State Governments to bring suits of the present nature under that article and that by these suits, the State Governments are raising a legal, not a political, issue. Their assertion is that the Government of India does not possess the constitutional power claimed by it and, therefore, this Court should declare that they are immune from the exercise of the power. The States assert their legal right of immunity which, as explained above, denotes freedom from the power of another.

In **State of Bihar v. Union of India** (supra) this Court, while discussing the scope of the dispute which may be determined by the Supreme Court under Art.131, happened to make an observation that "this much is certain that the legal right which is

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the subject of dispute must arise in the context of the Constitution and the federalism it sets up." But his observations, in so far as it suggests that the legal right must be one which arises under the Constitution, goes much further than what the language of Art.131 warrants. The Article speaks only of 'legal right' and does not qualify it by any other words. It may be noted that the provision in the corresponding S.204 of the Government of India Act, 1935 was significantly different. It contained a proviso that the dispute must inter alia concern the interpretation of the Government of India Act, 1935 "or of an order in Council made thereunder or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of that State." This provision has been deliberately and designedly omitted in Art.131 and now any legal right can be enforced by a suit in the Supreme Court provided the parties fall the character specified in Cls. (a), (b) and (c). The question which therefore requires to be considered in determining the maintainability of the suit is whether any legal right of the States is sought to be vindicated in the suits. We shall presently consider this question, but before we do, we must point out one other error in which, with the greatest respect, the learned Judges who decided the case of State of Bihar v. Union of India (Supra) seem to have fallen. They held that in suit under Art.131 the only order which the Supreme Court could make was a declaration adjudicating on the legal right claimed in the suit and once such a declaration was given, the function of the Supreme Court under Art.131 was at an end. If this conclusion was correct, then obviously the present suits seeking permanent injunction restraining the Government of India from issuing a proclamation

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under Art.356, Cl.(1) could not lie and equally no interim injunction could be granted by this Court, but the learned Additional Solicitor General with his usual candour and fairness, conceded that he was not in a position to support this view. The view seems to be erroneous and for two very good reasons. In the first place, it overlooks the fact that whereas sub-s. (2) of S.204 of the Government of India Act, 1935 provided that the Federal Court, in exercise of its original jurisdiction, shall not pronounce any judgment, other than a declaratory judgment, no such provision limiting the power of the Supreme Court in regard to the relief to be granted is to be found in Art.131. The power of the Supreme Court to grant relief in a suit under Art.131 is not restricted only to 'declaratory judgment'. Secondly, as pointed out by Mr. Seervai in his book at p. 1385, "when a Court is given exclusive jurisdiction in respect of a dispute between the parties, it is reasonable to hold that the Court has power to resolve the whole dispute", unless its power is limited by express words or by necessary implication. There is no such limitation in Art.131 and hence it is not correct to say that the Supreme Court can only give a declaratory judgment in a suit under Art.131. The Supreme Court would have power to give whatever reliefs are necessary for enforcement of the legal right claimed in the suit if such legal right is established."

44. On the facts and circumstances, in **State of Karnataka v. State of A.P. and Others** reported in (2000) 9 SCC 572, the Hon'be Apex Court quoted **State of Karnataka v. Union of India** [1977 (4) SCC 608] as thus:

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"163. The quintessence of Art.131 is that there has to be a dispute between the parties regarding a question on which the existence or extent of a legal right depends. A challenge by the State Government to the authority of the Central Government to appoint a Commission of Inquiry clearly involves a question on which the existence or extent of the legal right of the Central Government to appoint the Commission of Inquiry depends and that is enough to sustain the proceeding brought by the State under Art.131 of the Constitution. Far from its being a case of the 'omission of the obvious', justifying the reading of words into Art.131 which are not there, I consider that the Constitution has purposefully conferred on this Court a jurisdiction which is untrammelled by considerations which fetter the jurisdiction of a court of first instance, which entertains and tries suits of a civil nature. The very nature of the disputes arising under Art.131 is different, both in form and substance, from the nature of claims which require adjudication in ordinary suits."

The Learned Judge had also further observed:

"A proceeding under Art.131 stands in sharp contrast with an ordinary civil suit. The competition in such a proceeding is between two or more governments -- either the one or the other possesses the constitutional power to act."

Bhagwati, J. agreeing with Chandrachud, J. had also observed thus:

"The only requirement necessary for attracting the applicability of Art.131 is that the dispute must be one involving any question 'on

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which the existence or extent of a legal right' depends, irrespective of whether the legal right is claimed by one party or the other and it is not necessary that some legal right of the plaintiff should be infringed before a suit can be brought under that article."

Kailasam, J. and Beg, J. agreed with the conclusions arrived at by Chandrachud, J. and Bhagwati, J.

45. On the aspect as to whether a dispute is there, involving the Central Government and one or more States or between two or more States in which the existence or extent of legal right depends, the Hon'ble Apex Court in **State of Karnataka v. State of A.P. and Others** reported in (2000) 9 SCC 572, at paragraph 24, held as under:

24. Art.131 of the Constitution subject to the other provisions of the Constitution confers original jurisdiction on the Supreme Court over a dispute between the Central Government and one or more States or between two or more States subject to the condition that dispute involves any question whether of law or fact on which the existence or extent of a legal right depends. Art.262(1) of the Constitution authorises Parliament to make law for adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter State river or river valley. Clause (2) of Art.262 also authorises Parliament to provide by law excluding the jurisdiction of the Supreme Court or any other court in respect of a dispute or complaint as is referred to in clause (1). Thus Art.131 being subject to the other provisions of the



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Constitution including Art.262, if Parliament has made any law for adjudication of any water dispute or a dispute relating to distribution or control of water in any inter State river or river valley, then such a dispute cannot be raised before the Supreme Court under Art.131, even if the dispute be one between the Centre or the State or between two States. In exercise of constitutional power under Art.262(1), Parliament, in fact has enacted the law called the Inter State Water Disputes Act, 1956 and S.11 of the said Act provides that neither the Supreme Court nor any other court shall have jurisdiction in respect of any water dispute which could be referred to a tribunal under the Act. This being the position, what is necessary to be found out is whether the assertions made in the plaint filed by the State of Karnataka and the relief sought for, by any stretch of imagination can be held to be a water dispute, which could be referred to the Tribunal, so as to oust the jurisdiction of the Supreme Court under Art.131. On examining the averments made in the plaint and the relief sought for, by the plaintiff State, we are of the considered opinion that what really the State of Karnataka wants is a direction from the Supreme Court to the Union Government to notify Scheme 'B' evolved by the Tribunal and for a direction to the Union Government to constitute an authority under S.6A of the Act, which was inserted in the Act by amendment, though the said provision was not there on the date the Tribunal submitted its report and the decision. The plaintiff asserts in the plaint, that the dispute between all the three riparian States in relation to sharing of the water of River Krishna was finally adjudicated upon by the Tribunal by evolving the two schemes and under Scheme 'A', mass

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allocation in favour of the three States being made in respect of the availability of water in the river basin at 75% dependability, under Scheme 'B' allocation has been made both in respect of surplus as well as water in the deficit water year and according to the plaintiff, the entire water dispute which had been referred to the Tribunal can be said to have been resolved only when Scheme 'B' comes into operation. The said Scheme 'B' not having been treated as the decision of the Tribunal by the Union Government, and therefore, not being notified under S.6 of the Act, the rights of the State of Karnataka flowing from implementation of said Scheme 'B' are being infringed and the State is not in a position to have its future plan for utilisation of any surplus water in the river basin, and therefore, the appropriate authorities should be mandatorily called upon for notifying the said scheme and for constitution of the monitoring authority. This being the nature of the assertions made in the plaint and the relief sought for, it is difficult for us to hold that it constitutes a dispute within the meaning of S.2(c) of the Act, and therefore, the jurisdiction of this Court gets barred under Art.262 read with S.11 of the Act. In fact, the assertions made in the plaint and the relief sought for can be held to be a claim on the basis of an adjudicated dispute, the enforcement whereof is sought for by filing a suit under Art.131 6f the Constitution. Such a suit cannot be held to be barred under Art.262 of the Constitution read with S.11 of the Act. It is true, we have held while deciding Issues 4, 5 and 7 that Scheme 'B' "evolved by the Tribunal is not the decision of the Tribunal under S.5(2) of the Act but such conclusion of ours, would not necessarily lead to the conclusion that the suit itself gets barred under S.11 of the Act, as contended by the

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learned Solicitor General. The question whether the jurisdiction of this Court gets barred in view of S.11 of the Act has to be answered by examining the assertions in the plaint and the relief sought for and by doing so, we are not in a position to hold that the assertions in the plaint together with the relief sought for, constitute a dispute under S.2(c) of the Act, thereby ousting the jurisdiction of this Court under S.11. We, therefore, hold this issue of maintainability in favour of the plaintiff and against the defendants."

46. In **State of Jharkhand v. State of Bihar and Another** reported in (2015) 2 SCC 431, the Hon'ble Apex Court quoted **State of Karnataka v. Union of India** [(1977) 4 SCC 608] as thus:

"A Constitution Bench of this Court in **State of Karnataka v. Union of India**, [(1977) 4 SCC 608] had an occasion to examine the scope and amplitude of Art.131. Chandrachud, J. in his concurring judgment at para 162 held as follows: (SCC pp. 690-91) "162. The jurisdiction conferred on the Supreme Court by Art.131 of the Constitution should not be tested on the anvil of banal rules which are applied under the Code of Civil Procedure for determining whether a suit is maintainable. Art.131 undoubtedly confers 'original jurisdiction' on the Supreme Court and the commonest form of a legal proceeding which is tried by a Court in the exercise of its original jurisdiction is a suit. But a constitutional provision, which confers exclusive jurisdiction on this Court to entertain disputes of a certain nature in the exercise of its original jurisdiction, cannot be equated with a provision conferring a right

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on a civil court to entertain a common suit so as to apply to an original proceeding under Art.131 the canons of a suit which is ordinarily triable under S.15 of the Code of Civil Procedure by a Court of the lowest grade competent to try it. Advisedly, the Constitution does not describe the proceeding which may be brought under Art.131 as a 'suit' and significantly, Art.131 uses words and phrases not commonly employed for determining the jurisdiction of a court of first instance to entertain and try a suit. It does not speak of a 'cause of action', an expression of known and definite legal import in the word of witness actions. Instead, it employs the word 'dispute', which is no part of the elliptical jargon of law. But above all, Art.131 which in a manner of speaking is a self - contained code on matters falling within its purview, provides expressly for the condition subject to which an action can lie under it. That condition is expressed by the clause: 'if and insofar as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends'. By the very terms of the article, therefore, the sole condition which is required to be satisfied for invoking the original jurisdiction of this Court is that the dispute between the parties referred to in clauses (a) to (c) must involve a question on which the existence or extent of a legal right depends. "

In the same case, Bhagwati, J. examined the scope of Art.131 and held as follows: (State of Karnataka case, 1977 (4) SCC 608, SCC p. 706, para 201)

"201. Now, plainly there are two limitations in regard to the dispute which can be brought before the Supreme Court under Art.131.

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One is in regard to parties and the other is in regard to the subject - matter. The article provides in so many terms that the dispute must be between the Government of India and one or more States or between two or more States. The object of the article seems to be that since in a federal or quasi - federal structure, which the Constitution seeks to set up, disputes may arise between the Government of India and one or more States, or between two or more States, a forum should be provided for the resolution of such disputes and that forum should be the highest court in the land, so that final adjudication of such disputes could be achieved speedily and expeditiously without either party having to embark on a long, tortuous and time - consuming journey through a hierarchy of courts. The article is a necessary concomitant of a federal or a quasi - federal form of the Government and it is attracted only when the parties to the dispute are the Government of India or one or more States arrayed on either side. This is the limitation as to parties. The other limitation as to subject - matter flows from the words 'if and insofar as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends'. These words clearly indicate that the dispute must be one affecting the existence or extent of a legal right and not a dispute on the political plane not involving a legal aspect. It was put by Chandrachud, J., very aptly in his judgment in **State of Rajasthan v. Union of India**, 1977 (3) SCC 592 when he said: 'Mere wrangles between Governments have no place under the scheme of that article... '. It is only when a legal, as distinguished from a mere political, issue arises touching upon the existence or extent of a legal right that the article is attracted. Hence the suit in

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the present case would obviously not be maintainable unless it complies with both these limitations. "

47. An eminent juristic, Sri.H.M.Seervai in his book Constitution Law of India at paragraph 23, observed thus:

"23. The eminent jurist, Shri H.M. Seervai, in his book Constitutional Law of India, dealing with the scope of Art.131 of the Constitution states: "[W]hen a court is given exclusive jurisdiction in respect of a dispute between parties, it is reasonable to hold that the court has power to resolve the whole dispute, including the enforcement of its decrees or orders, especially when provision has been made for such enforcement. The words 'if and insofar as the dispute involves any question (whether of law or fact) on which the existence of a legal right depends are meant to emphasize the fact that the dispute must be one relating to legal rights, and not a dispute on the political plane not based on a legal right. ..."

48. Exercise of jurisdiction under Article 131 of the Constitution of India pre-supposes that if there is any dispute involving any question about the existence of a legal right or not, or even where existence of legal right is admitted, whether there is any dispute about its scope, between or amongst the States and the Government of India, then the Hon'ble Supreme Court alone have the jurisdiction to decide the question whether

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on law or fact. In the case on hand, it is the specific case of the Central Government that Airports fall under Entry 29 of List I, Seventh Schedule of the Constitution of India and by virtue of Section 40(1) of the Airports Authority of India Act, 1994, Central Government is empowered to take a policy decision on operation, management and development of airports. Contention of the Central Government is that if Government of Kerala or Kerala State Industrial Development Corporation raises any dispute in relation to the policy decision of the Central Government in terms of Section 40 of the Act, to lease out the Thiruvananthapuram International Airport under Section 12 of the Act relying on the earlier promises made in the year 2003 that for operations, management and development of Thiruvananthapuram International Airport, and there will not be any lease, we are of the view that the said dispute involves questions of law and fact, on which the existence or extent of legal right depends.

49. It is submitted on behalf of the Central Government that lease under sub section (1) of Section 12 of the Act is so far not been approved by the Central Government. No doubt, Adani Enterprises Limited, Adani House, Gujarat, represented by its Managing Director, respondent No.9 in W.P.(C) No.6823 of 2019, a private party, has been added as one of the

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respondents in the writ petitions. But, the actual lis between the State and the Central Government is whether the decision of latter, in taking a policy decision to lease Thiruvananthapuram International Airport for operation, management and development, is correct or not.

50. Though Mr.Ranjith Thampan, learned Additional Advocate General, submitted that the Airports Authority of India though may fall under the definition of State under Article 12 of the Constitution of India and that there is necessity to include the Airports Authority of India as a party respondent, we are of the view that the real dispute is only between Government of Kerala, Kerala State Industrial Development Corporation, and Government of India. True that as per the decision in **Union of India v. State of Bihar** (cited supra), the Hon'ble Supreme Court held that addition of a private party along with Central Government is not contemplated under Article 131 of the Constitution of India, de hors the exclusion of the 9<sup>th</sup> respondent (private party), the Court has to consider as to whether there is any dispute between State of Kerala and Government of India and in such a view of the matter, the issue that has to be decided is, whether a policy decision of the Central Government in the matter of operation, management and development of Thiruvananthapuram



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International Airport, in terms of Section 40 of the Act, whether the State Government or Kerala Industrial Development Corporation has any legal right and claiming so, can file writ petitions under Article 226 of the Constitution of India. Addition of the 9<sup>th</sup> respondent as a private party would not clothe any right to Government of Kerala or Kerala State Industrial Development Corporation, as the case may be, or the public interest litigants to have the question decided before this Court. Whether it is the exclusive domain of the Central Government to take a policy decision to lease out the airports and consequently direct the Airports Authority of India, respondent No.2, to do so, whether Government of Kerala or Kerala State Industrial Development Corporation can question such decision, is a dispute or not, falling within the ambit of Article 131 of the Constitution of India is a matter to be decided by the Hon'ble Supreme Court or this Court under Article 226 of the Constitution of India. Facts and law have to be adjudicated on the basis as to whether there exists any right to be enforced against the Central Government or Airports Authority of India, as the case may be. Merely because, Adani Enterprises Limited, Adani House, Gujarat, represented by its Managing Director, respondent No.9 has been added as a private respondent in the writ petitions, it cannot be contended that writ

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petition under Article 226 of the Constitution of India would lie in this Court. The Central Government has not approved the proposals sent by Airports Authority of India for finalising the tender.

51. Though Government of Kerala by placing reliance on the assurance given in the year 2003 and other factors such as land on which airports were initially established continue to vest with the State Government and that State of Kerala is also having entire infrastructure and other facilities for promoting the affairs of the airports and continue to do so, on the facts and the law pleaded, the question to be considered is whether there is existence or extent of legal right, to challenge the policy decisions of the Central Government, is a matter to be decided by the Hon'ble Supreme Court and, therefore, writ petitions filed by the State of Kerala and Kerala State Industrial Development Corporation Ltd., being W.P. (C) Nos.6076 & 6823 of 2019, and other public interest writ petitions filed to quash Exhibits-P9 and P13 are not maintainable in the light of Article 131 of the Constitution of India.

Considering the pleadings and submissions and narrowing the core issue state supra, we are of the view that writ petitions filed for quashing Exhibits-P9 and P13 are not only premature, but they are also not

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maintainable under Article 226 of the Constitution of India. Holding so, the writ petitions are dismissed.

Sd/-  
S. Manikumar,  
Chief Justice

Sd/-  
A.M.Shaffique,  
Judge

krj

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P.A. TO JUDGE

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**APPENDIX OF WP (C) 2224/2019**

**PETITIONERS' EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF REQUEST FOR PROPOSALS  
DT.14.12.2018 ISSUED BY THE AIRPORTS  
AUTHORITY OF INDIA.
- EXHIBIT P2 TRUE EXTRACT OF REPORT OF THE  
COMPTROLLER AND AUDITOR GENERAL OF INDIA  
FOR THE YEAR ENDED MARCH 2012 ON  
IMPLEMENTATION OF PUBLIC PRIVATE  
PARTNERSHIP,INDIRA GANDHI INTERNATIONAL  
AIRPORT,DELHI WITH RELEVANT DETAILS.
- EXHIBIT P3 TRUE COPY OF AERODROME LICENCE  
DT.02.03.2007 ISSUED BY THE DIRECTOR  
GENERAL OF CIVIL AVIATION, NEW DELHI.
- EXHIBIT P4 TRUE COPY OF REQUIREMENTS OMITTING THE  
FORM OF APPLICATIONS ETC.,ISSUED BY THE  
DIRECTOR GENERAL OF CIVIL AVIATION,NEW  
DELHI.
- EXHIBIT P5 TRUE COPY OF REPORT OF THE TRIPARTITE  
COMMITTEE CONSTITUTED BY THE MINISTRY OF  
CIVIL AVIATION,GOVT.OF INDIA,SUBMITTED  
ON 02.06.2009 SUBMITTED TO THE MINISTRY  
OF CIVIL AVIATION.
- EXHIBIT P6 TRUE COPY OF REPORT OF PARLIAMENTARY  
STANDING COMMITTEE ON TRANSPORT,TOURISM  
AND CULTURE ON PRIVATIZATION OF SERVICES  
AT AIRPORTS SUBMITTED IN NOVEMBER,2013.
- EXHIBIT P7 TRUE COPY OF COMMUNICATION NO.DO NO.AV-  
18030/17/2015-AD/109570-F DT.28.8.2015  
BY THE MINISTER FOR CIVIL  
AVIATION,GOVERNMENT OF INDIA.
- EXHIBIT P8 TRUE COPY OF DETAILS REGARDING THE SCORE  
AND RATING OF CPSES,AS ON 28.12.2018  
DT.28.12.2018

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**EXHIBIT P9**

**TRUE COPY OF REPORT OF THE PUBLIC  
ACCOUNTS COMMITTEE (2013-2014) ON  
IMPLEMENTATION OF PUBLIC PRIVATE  
PARTNERSHIP-INDIRA GANDHI INTERNATIONAL  
AIRPORT, DELHI WITH RELEVANT DETAILS.**

**EXHIBIT P10**

**TRUE COPY OF ORDER DT.29.01.2014 IN  
W.P.NO.2369 OF 2014 ON THE FILE OF THE  
MADRAS HIGH COURT.**

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**APPENDIX OF WP (C) 5482/2019**

**PETITIONER'S EXHIBITS:**

- EXHIBIT P1                    A TRUE COPY OF THE SCORE AND RATING OF CPSE AS ON 28/12/2018
- EXHIBIT P2                    A TRUE COPY OF THE REPORT DATED 31/10/2013 ON PRIVATIZATION OF SERVICES AT AIRPORTS SUBMITTED BY THE DEPARTMENT RELATED PARLIAMENTARY STANDING COMMITTEE ON TRANSPORT, TOURISM AND CULTURE, BEFORE THE PARLIAMENT.
- EXHIBIT P3                    A TRUE COPY OF THE LETTER DATED 28/8/2015, ISSUED BY THE THEN MINISTER FOR CIVIL AVIATION TO ONE OF THE MEMBERS OF PARLIAMENT.
- EXHIBIT P4                    A TRUE COPY OF THE RELEVANT EXTRACT OF THE DECISION OF THE UNION CABINET, POSTED ON 8/11/2018 IN THE WEBSITE MAINTAINED BY THE PUBLIC INFORMATION BUREAU
- EXHIBIT P5                    A TRUE COPY OF THE RELEVANT EXTRACT OF THE REQUEST FOR PROPOSAL DATED 14/12/2018 ISSUED BY THE 4TH RESPONDENT
- EXHIBIT P6                    A TRUE COPY OF THE RELEVANT EXTRACT OF THE REQUEST FOR QUALIFICATION IN RESPECT OF CHENNAI INTERNATIONAL AIRPORT, ISSUED BY THE 2ND RESPONDENT ON 2/9/2013
- EXHIBIT P7                    A TRUE COPY OF THE RELEVANT EXTRACT OF THE AIR TRAFFIC REPORT -2018 PUBLISHED IN THE WEBSITE MAINTAINED BY THE 2ND RESPONDENT.
- EXHIBIT P8                    A TRUE COPY OF THE RELEVANT EXTRACT OF THE 3RD PAY REVISION ORDER

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- EXHIBIT P9                   A TRUE COPY OF THE REPRESENTATION  
SUBMITTED TO PRIME MINISTERS' OFFICE  
THROUGH PGPORTAL.GOV.IN ON 17.02.2019
- EXHIBIT P10                 A TRUE COPY OF THE RELEVANT EXTRACT OF  
THE GUIDELINES FOR FORMULATION, APPRAISAL  
AND APPROVAL OF PUBLIC-PRIVATE  
PARTNERSHIP (PPP)
- EXHIBIT P11                 A TRUE COPY OF THE APPRAISAL NOTE DATED  
10.12.2018, FORWARDED BY THE DEPARTMENT  
OF ECONOMIC AFFAIRS.
- EXHIBIT P12                 A TRUE COPY OF THE RECORD OF DISCUSSION  
OF 85TH MEETING OF THE PUBLIC PRIVATE  
PARTNERSHIP APPRAISAL COMMITTEE, HELD ON  
11.12.2018
- EXHIBIT P13                 A TRUE COPY OF THE OFFICE MEMORANDUM  
DATED 10.12.2018, FORWARDED BY THE NITI  
AYOG TO DEPARTMENT OF ECONOMIC AFFAIRS.
- EXHIBIT P14                 A TRUE COPY OF THE RELEVANT EXTRACT OF  
THE DECISION OF THE UNION CABINET,  
POSTED ON 3/7/2019 IN THE WEBSITE  
MAINTAINED BY THE PUBLIC INFORMATION  
BUREAU.

RESPONDENTS' EXHIBITS:

- EXHIBIT R6 (A)             TRUE COPY OF THE PRESS NOTE DTD.  
08.11.2018 ISSUED THROUGH THE PRESS  
INFORMATION BUREAU, GOVERNMENT OF INDIA.
- EXHIBIT R6 (B)             TRUE COPY OF PRESS RELEASE DTD.  
25.02.2019.
- EXHIBIT R5 (A)             TRUE COPY OF THE GAZETTE NOTIFICATION  
F.NO.13/1/2017/-INF, DATED 14/11/2017.

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**PETITIONER'S EXHIBITS:**

- EXHIBIT P1 COPY OF THE LETTER VIDE NO.  
1413/SCA/2003 DATED 23-04-2003 OF THE  
1ST RESPONDENT.
- EXHIBIT P2 COPY OF THE LETTER DO. NO.  
AV.24018/1/99-AA IP-3 DATED 02-12-2003  
OF THE 1ST RESPONDENT.
- EXHIBIT P3 COPY OF THE GOVERNMENT ORDER (MS) NO.  
82/2005/RT DATED 29-03-2005
- EXHIBIT P4 COPY OF THE LETTER DO.NO. 2195/18/CM  
DATED 21-11-2018 OF THE CHIEF MINISTER.
- EXHIBIT P5 COPY OF THE RELEVANT EXTRACT OF THE  
REQUEST FOR PROPOSAL (RFP) NOTIFIED BY  
THE 3RD RESPONDENT ON 14-12-2018  
\*EXT P5 SUBSTITUTED AS PER ORDER DATED  
8-3-2019 IN I.A NO.1/19
- EXHIBIT P6 COPY OF THE ADDENDUM DATED 28-12-2018 OF  
THE AIR PORT AUTHORITY OF INDIA.
- EXHIBIT P7 COPY OF THE ADDENDUM DATED 22-01-2019 OF  
THE AIR PORT AUTHORITY OF INDIA  
EXTENDING THE TIME FOR QUERIES
- EXHIBIT P8 COPY OF THE RELEVANT EXTRACT OF THE  
DRAFT CONCESSION AGREEMENT OF THE AIR  
PORT AUTHORITY OF INDIA.
- EXHIBIT P9 COPY OF THE NOTIFICATION VIDE ADDENDUM  
NO. 2 DATED 08-02-2019 OF THE AIR PORT  
AUTHORITY OF INDIA.
- EXHIBIT P10 COPY OF THE NOTIFICATION VIDE ADDENDUM  
NO.1 DATED 08-02-2019 OF THE AIR PORT  
AUTHORITY OF INDIA.



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- EXHIBIT P11 COPY OF THE GOVERNMENT ORDER (RT) NO.  
67/2019/TRANS DATED 12-02-2019
- EXHIBIT P12 COPY OF THE COVERING LETTER DATED 13-02-  
2019 ISSUED BY THE PETITIONER TO THE  
CHAIRMAN AIR PORT AUTHORITY OF INDIA.
- EXHIBIT P13 COPY OF THE EVALUATION REPORT DATED 22-  
02-2019 OF THE AIR PORT AUTHORITY OF  
INDIA.
- EXHIBIT P14 COPY OF THE PRICE BID STATEMENT OF  
GOVERNMENT EPROCUREMENT SYSTEM NOTIFIED  
ON 25-02-2019.

RESPONDENTS' EXHIBITS:

- EXHIBIT R3 (A) TRUE COPY OF THE COMMUNICATION  
D.O.NO.3333/18/CM DATED 08.12.2018
- EXHIBIT R3 (B) TRUE COPY OF THE COMMUNICATION D.O  
NO.415/D2/2018/TRANS DATED 11.12.2018
- EXHIBIT R3 (C) TRUE COPY OF THE REPLY LETTER  
D.O.NO.AV.24011/141/2015-AD (VOL.IV) DATED  
12.12.2018 ISSUED BY THE SECRETARY, CIVIL  
AVIATION.
- EXHIBIT R3 (D) TRUE COPY OF THE COMMUNICATION  
NO.415/D2/2018/TRANS DATED 18.12.2018
- EXHIBIT R3 (E) TRUE COPY OF RFQ FOR OPERATIONS, MANAGEMENT  
AND TRANSFER OF AHMEDABAD AIRPORT THROUGH PPP.
- EXHIBIT R3 (F) TRUE COPY OF THE GAZETTE NOTIFICATION  
F.NO.13/1/2017-INF, DATED 14.11.2017.
- EXHIBIT R5 (A) TRUE COPY OF THE PRESS NOTE DATED 08.11.2018  
ISSUED THROUGH THE PRESS INFORMATION BUREAU,  
GOVERNMENT OF INDIA
- EXHIBIT R5 (B) TRUE COPY OF THE PRESS RELEASE DATED 25.2.2019

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**APPENDIX OF WP (C) 6823/2019**

**PETITIONER'S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE LETTER NO.  
AAT/LM/GEN/2018 DATED 22.11.2018 OF THE  
SIXTH RESPONDENT.
- EXHIBIT P2 TRUE COPY OF THE D.O. LETTER  
NO.1413/SCA/2003 DATED 23.04.2003.
- EXHIBIT P3 TRUE COPY OF THE DO NO.20311/D2/97/TRAN.
- EXHIBIT P4 TRUE COPY OF THE D.O. LETTER NO.  
AV.24018/1/99-AAI P-3 DATED 02.12.2003.
- EXHIBIT P5 TRUE COPY OF G.O. (MS) NO.11/2004/TRANS  
DATED 16.03.2004.
- EXHIBIT P6 TRUE COPY OF G.O. (MS) NO.82/05/RD DATED  
29.03.2005.
- EXHIBIT P7 TRUE COPY OF THE D.O. LETTER  
NO.2195/2018/CM DATED 21.11.2018.
- EXHIBIT P8 TRUE COPY OF D.O. LETTER  
NO.AV.24011/141/2015-AD DATED  
28.11.2018.
- EXHIBIT P9 TRUE COPY OF THE MINUTES OF THE MEETING  
OF THE EMPOWERED GROUP OF SECRETARIES  
(EGOS) DATED 04.12.2018.
- EXHIBIT P10 TRUE COPY OF D.O. LETTER NO.3333/18/CM  
DATED 08.12.2018.
- EXHIBIT P11 TRUE COPY OF LETTER NUMBERED AS DO  
NO.415/D2/2018/TRANS DATED 11.12.2018.
- EXHIBIT P12 TRUE COPY OF DO NO.AV.24011/141/2015-  
AD (VOL IV) DATED 12.12.2018.

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- EXHIBIT P13 TRUE COPY OF THE REQUEST FOR PROPOSALS  
DATD 14/12/2018 (AS REVISED FINALLY)  
WITH REGARD TO CONCESSION FOR OPERATION,  
MANAGEMENT AND DEVELOPMENT OF  
THIRUVANANTHAPURAM INTERNATIONAL  
AIRPORT.
- EXHIBIT P14 TRUE COPY OF THE REQUEST FOR PROPOSAL  
DATED 01.04.2005 REGARDING RESTRUCTURING  
AND MODERNIZATION OF DELHI AIRPORT.
- EXHIBIT P15 TRUE COPY OF THE INVITATION TO REGISTER  
A EXPRESSION OF INTEREST DATED  
17.02.2004 FOR RESTRUCTURING AND  
MODERNIZATION OF DELHI AND MUMBAI  
AIRPORTS.
- EXHIBIT P16 TRUE PHOTOCOPY OF THE DRAFT CONCESSION  
AGREEMENT.
- EXHIBIT P17 TRUE COPY OF THE ADDENDUM NO.2 DATED  
08.02.2019 TO THE REVISED DRAFT  
CONCESSION AGREEMENT.
- EXHIBIT P18 TRUE COPY OF LETTER NO. AAI/KID/PPP/6  
APTS/2018 DATED 05.02.2019.
- EXHIBIT P19 TRUE COPY OF THE LETTER DATED 27.02.2019  
SENT BY THE HON'BLE CHIEF MINISTER OF  
KERALA TO THE HON'BLE PRIME MINISTER OF  
INDIA.
- EXHIBIT P20 TRUE PHOTOCOPY OF THE LETTER DATED  
27.02.2019 SENT BY THE HON'BLE CHIEF  
MINISTER OF KERALA TO THE HON'BLE UNION  
MINISTER FOR CIVIL AVIATION.

RESPONDENTS' EXHIBITS:

- EXHIBIT R6 (A) TRUE COPY OF THE LETTER  
NO.415/D2/2018/TRANS DATED 18.12.2018.

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- EXHIBIT R6 (B) TRUE COPY OF THE ORDER NO.G.O. (RT)  
NO.67/2019/TRANS DATED 12.02.2019  
ISSUED BY THE PETITIONER.
- EXHIBIT R6 (C) TRUE COPY OF RFQ FOR OPERATIONS,  
MANAGEMENT AND TRANSFER OF AHMEDABAD  
AIRPORT THROUGH PPP.
- EXHIBIT R6 (D) TRUE COPY OF THE GAZETTE NOTIFICATION  
F.NO.13/1/2017-INF, DATED 14.11.2017.
- EXHIBIT R6 (E) TRUE COPY OF THE DOCUMENT SHOWING THE  
PAYMENT OF RFP PROCESSING FEE.
- EXHIBIT R6 (F) TRUE COPY OF THE COMMUNICATION DATED  
28.01.2019.
- EXHIBIT R6 (G) TRUE COPY OF THE CIRCULAR NO.01/01/10  
DATED 20.01.2010.
- EXHIBIT R9 (A) TRUE COPY OF THE PRESS NOTE  
DTD.8.11.2018 ISSUED THROUGH THE PRESS  
INFORMATION BUREAU, GOVERNMENT OF INDIA.
- EXHIBIT R9 (B) TRUE COPY OF THE PRESS RELEASE DTD.  
25.2.2019

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**APPENDIX OF WP (C) 7060/2019**

**PETITIONER'S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE NOTICE DATED 14.12.2018 BY AIRPORT AUTHORITY OF INDIA INVITING PROPOSAL TO OPERATE,MANAGE AND DEVELOPMENT OF THIRUVANANTHAPURAM INTERNATIONAL AIRPORT.
- EXHIBIT P2 TRUE EXTRACT OF THE REPORT OF THE COMPTROLLER AND AUDITOR GENERAL WITH RELEVANT PAGES OF THE SAME.
- EXHIBIT P3 TRUE COPY OF THE LICENCE GRANTED BY THE DIRECTOR GENERAL OF CIVIL AVIATION VIDE S.O.NO.727 (E) DATED 04.10.1994.
- EXHIBIT P4 TRUE COPY OF THE GUIDELINES FRAMED BY THE DIRECTOR GENERAL OF CIVIL AVIATION FOR ISSUING THE AERODROME LICENCE.
- EXHIBIT P5 TRUE COPY OF THE REPORT SUBMITTED BY THE COMMITTEE TO THE GOVERNMENT OF INDIA.
- EXHIBIT P6 TRUE COPY OF THE REPORT SUBMITTED BY THE PARLIAMENTARY STANDING COMMITTEE ON TRANSPORT,TOURISM AND CULTURE,RAJYA SABHA.
- EXHIBIT P7 TRUE COPY OF THE COMMUNICATION SENT BY THE MINISTRY OF CIVIL AVIATION,GOVERNMENT OF INDIA TO PROF.SAUGATA ROY,MEMBER OF PARLIAMENT.
- EXHIBIT P8 TRUE COPY OF THE SCORE AND RATING OF CENTRAL PUBLIC SECTOR ENTERPRISES AS ON 28.12.2018.
- EXHIBIT P9 TRUE COPY OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE OF THE PARLIAMENT HEADED BY SRI.MURALI MANOHAR JOSHI ,WITH RELEVANT DETAILS.

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EXHIBIT P10 TRUE COPY OF THE CALCULATION OF  
STATEMENT SHOWING THE DETAILS OF NUMBER  
OF PASSENGERS USING THE AIRPORT AND THE  
INCOME GENERATED.

EXHIBIT P11 TRUE COPY OF THE GOVERNMENT ORDER DATED  
16.03.2004.

EXHIBIT P12 TRUE COPY OF THE GOVERNMENT ORDER DATED  
29.03.2005.

RESPONDENTS' EXHIBITS:

EXHIBIT R4 (A) TRUE COPY OF RFQ FOR OPERATIONS,  
MANAGEMENT AND TRANSFER OF AHMEDABAD  
AIRPORT THROUGH PPP.

EXHIBIT R4 (B) TRUE COPY OF THE GAZETTE NOTIFICATION  
F.NO.13/1/2017-INF, DATED 14.11.2017.

EXHIBIT R7 (A) TRUE COPY OF THE PRESS NOTE DATED  
8.11.2018 ISSUED THROUGH THE PRESS  
INFORMATION BUREAU, GOVERNMENT OF INDIA.

EXHIBIT R7 (B) TRUE COPY OF PRESS RELEASE DATED  
25.2.2019

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**APPENDIX OF WP (C) 7961/2019**

**PETITIONERS' EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF RELEVANT PORTION OF REQUEST FOR PROPOSAL DATED 14.12.2018 ISSUED BY THE AIRPORTS AUTHORITY OF INDIA.
- EXHIBIT P2 TRUE COPY OF DETAILS REGARDING THE SCORE AND RATING OF CPSES AS ON 28.12.2018 DATED 28.12.2018
- EXHIBIT P3 TRUE COPY OF THE EXTRACT FROM THE REPORT OF THE COMPTROLLER AND AUDITOR GENERAL OF INDIA FOR THE YEAR ENDED MARCH, 2012 (REPORT NO. 5 OF 2012-13) ON IMPLEMENTATION OF PUBLIC PRIVATE PARTNERSHIP, INDIRA GANDHI INTERNATIONAL AIRPORT, DELHI.
- EXHIBIT P4 TRUE COPY OF REPORT OF THE TRIPARTITE COMMITTEE CONSTITUTED BY THE MINISTRY OF CIVIL AVIATION, GOVT. OF INDIA, SUBMITTED ON 02.06.2009 SUBMITTED TO THE MINISTRY OF CIVIL AVIATION.
- EXHIBIT P5 TRUE COPY OF REPORT OF PARLIAMENTARY STANDING COMMITTEE ON TRANSPORT, TOURISM AND CULTURE ON PRIVATIZATION OF SERVICE AT AIRPORTS SUBMITTED ON 20TH NOVEMBER, 2013
- EXHIBIT P6 TRUE COPY OF COMMUNICATION NO. DO NO. AV-18030/17/2015-AD/109570-F DATED 28.8.2015 BY THE MINISTER FOR CIVIL AVIATION, GOVERNMENT OF INDIA.
- EXHIBIT P7 TRUE COPY OF THE RELEVANT PORTION OF EIGHTIETH REPORT OF THE PUBLIC ACCOUNTS COMMITTEE (2012-2013) ON IMPLEMENTATION OF PUBLIC PRIVATE PARTNERSHIP - INDIRA GANDHI INTERNATIONAL AIRPORT, DELHI.

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**RESPONDENTS' EXHIBITS:**

- EXHIBIT R4 (A)**                    **TRUE COPY OF RFQ FOR OPERATIONS,  
MANAGEMENT AND TRANSFER OF AHMEDABAD  
AIRPORT THROUGH PPP.**
- EXHIBIT R4 (B)**                    **TRUE COPY OF THE GAZETTE NOTIFICATION  
F.NO.13/1/2017-INF,DATED 14.11.2017.**
- EXHIBIT R4 (C)**                    **TRUE COPY OF THE SCHEDULE U - LIST OF  
WORKS PROPOSED BY THE AUTHORITY.**



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**APPENDIX OF WP (C) 21321/2019**

**PETITIONERS' EXHIBITS:**

EXHIBIT P1                      TRUE COPY OF RESOLUTION DATED 22.7.2019.

EXHIBIT P2                      TRUE COPY OF THE ADDENTUM NO.4  
DATED 28.12.2018.

EXHIBIT P3                      TRUE COPY OF G.O. (RT) NO.67/2019/TRANS  
DATED 12.2.2019.