

THE AIRPORT APPELLATE TRIBUNAL (PROCEDURE) RULES, 2011¹

In exercise of the powers conferred by section 28L of the Airports Authority of India Act, 1994 (55 of 1994), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Airport Appellate Tribunal (Procedure) Rules, 2011.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) "Act" means the Airports Authority of India Act, 1994 (55 of 1994);
- (b) "agent" means a person duly authorised by the appellant to present the memorandum of appeal or to give reply on its behalf before the Tribunal;
- (c) "Registrar" means the Registrar of the Tribunal and includes an officer who is authorised by the Chairperson to function as the Registrar;
- (d) "Registry" means the Registry of the Tribunal;
- (e) "Form" means form annexed to these rules;
- (f) All other words and expressions used in rule and not defined but defined in the Act shall have the same meaning as are respectively assigned to them in the Act.

3. Language of the Tribunal.—(1) The proceedings of the Tribunal shall be conducted in English or Hindi.

(2) Every memorandum of appeal or reference or petition or application or objection or counter presented to the Tribunal shall be in English or Hindi and in case it is in any other language, it shall be accompanied by a true copy of translation thereof in English.

4. Working hours of the Tribunal.—(1) Except on Saturdays, Sundays and other public holidays, the office of the Tribunal shall, subject to any other order made by the Chairperson, remain open daily from 9.30 a.m. to 5.00 p.m. but no work shall be admitted after 4.00 p.m. on any working day unless it is considered by the Chairperson to be of urgent nature.

(2) The sitting hours of the Tribunal shall ordinarily be from 10.30 a.m. to 1.00 p.m. and from 2.00 p.m. to 4.30 p.m.:

Provided that the chairperson may vary the sitting hours of the Tribunal for reasons to be recorded in writing.

5. Procedure for filing appeals.—(1) An appeal to the Tribunal shall be presented in Form "A" by the appellant either in person or by an agent or

1. *Vide* S.O. 1859(E), dated 11th August, 2011, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 11th August, 2011.

2. Came into force on 11-8-2011.

by a duly authorised legal practitioner to the Registrar of the Bench within whose jurisdiction his case falls or shall be sent by registered post addressed to the Registrar.

(2) The appeal received by post under sub-rule (1) shall be deemed to have been presented to the Registrar on the day on which it is received in the office of the Registrar.

(3) The appeal under sub-rule (1) shall be presented in triplicate.

(4) A memorandum of appeal shall not seek relief or reliefs on more than a single cause of action:

Provided that the Tribunal may, if it deems fit, allow relief on more than a single cause.

6. Deposit to be made by the appellant.—Where an appeal is preferred from an order passed by the Eviction Officer under section 28G of the Act, such appeal shall not be entertained by the Tribunal unless the appellant has deposited with the Tribunal fifty per cent. of the amount determined by the Eviction Officer:

Provided that the Tribunal may, for reasons to be recorded in writing, dispense with condition to deposit the said amount or reduce the amount to be deposited.

7. Procedure when the appellant remains absent.—Where on the day fixed for hearing of the appeal or on any other day to which such hearing may be adjourned, if the appellant or the respondent as the case may be does not appear when the appeal is called on for hearing, the Tribunal may, in its discretion, either dismiss the appeal for default or hear and decide it on merits or decide the appeal *ex-parte* as the case may be:

Provided that where an appeal has been dismissed for default and the appellant appears afterwards and satisfies the Tribunal that there was sufficient cause for his non-appearance when the appeal was called on for hearing, the Tribunal shall make an order setting aside the dismissal and restore the appeal, subject to such terms and conditions, as it deems necessary, in the interest of justice.

8. Hearing of appeal when the appellant dies.—Where in any appeal the appellant dies or in case of a company is being wound-up, the appeal shall abate unless an application is made for continuance of such appeal by the successor-in-interest or the liquidator in case of a company or other legal representative of the appellant as the case may be:

Provided that every such application shall be made within a period of thirty days of the occurrence of the event:

Provided further that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from presenting the application within the period so specified, allow it to be presented within such further period as it may deem fit.

9. Procedure for making a reference.—(1) A reference under the proviso to sub-section (2) of section 28E of the Act shall be made by the Eviction Officer in Form "B".

(2) A reference under sub-rule (1), shall be presented in the office of the Registrar or shall be sent by registered post addressed to the Registrar.

(3) The Eviction Officer while making the reference to the Tribunal shall furnish a copy of the reference to each of the parties to the dispute before him.

FORM A

MEMORANDUM OF APPEAL UNDER SECTION 28 K OF THE AIRPORTS AUTHORITY OF INDIA ACT, 1994 (55 OF 1994)

For use in Tribunal's Office

Date of Filing.....

Date of Receipt by Post.....

Registration number.....

In the Airport Appellate Tribunal

Between

A.B.....Appellant

vs.

Eviction Officer.....Respondent

Details of the appeal:

1. Particulars of appeal:

(i) Name and description of the appellant

(ii) Address of the appellant

2. Particulars of the respondent/s including the office address.

3. Limitation.—The appellant declares that the Appeal is within the limitation as prescribed in sub-section (1) of the section 28K of the Airports Authority of India Act, 1994 (55 of 1994).

4. Facts of the case:

(Give a concise statement of the facts and grounds of Appeal against the specific order of the Eviction Officer in a chronological order each paragraph containing, as nearly as possible, separate fact, issue, point of law or otherwise).

5. Relief(s) sought.—In view of the facts mentioned in Paragraph No. 4 above the appellant prays for the following reliefs:

(a)

(b)

(c)

[specify the reliefs sought explaining the grounds for Reliefs and the legal provisions (if any) relied upon.]

6. Interim Order, if prayed for.—Pending final decision on the appeal, the appellant seeks the following interim order.

(Give the nature of the interim order prayed for with reasons).

7. Matter not pending with any other Court etc.

The appellant further declares that the matter regarding which this appeal has been made is not pending before any other authority, Tribunal or Court of Law.

8. Particulars of bank draft in respect of the deposits made in terms of the provisions of the rules.

(1) Name of the bank on which drawn

(2) Demand draft number

9. Particulars of the bank draft in respect of the fees paid in terms of the rules.

(1) Name of the bank on which drawn

(2) Demand draft number

10. Details of Index.—An index in duplicate containing the details of the documents to be relied upon is enclosed.

11. List of enclosures:

(1)

(2)

(3)

Verification

I..... (Name in full and block letters) Son/Daughter/Wife of
Shri..... being the..... (Designation) of.....
(Name of the Company or Firm) holding a valid power-of-attorney from.....
(Name of Company or firm) do hereby verify that the contents of paras 1 to 11 are true
to my personal knowledge and belief and that I have not suppressed any material facts.

Signature of the appellant

Place.....

Date.....

To

The Registrar

Airport Appellate Tribunal

Safdarjung Airport, New Delhi-110003