

THE AIRPORTS ECONOMIC REGULATORY AUTHORITY, APPELLATE TRIBUNAL (FORMS FOR APPLICATION AND APPEAL AND FEE) RULES, 2010¹

In exercise of the powers conferred under sub-section (3) of section 18 read with clause (h) of sub-section (2) of section 51 of the Airports Economic Regulatory Authority of India Act, 2008 (27 of 2008), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Airports Economic Regulatory Authority, Appellate Tribunal (Forms for Application and Appeal and Fee) Rules, 2010.

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 Economic Regulatory Authority of India Act, 2008 (27 of 2008);

(b) “appeal” means an appeal preferred under sub-section (2) of section 18 of the Act;

(c) “application” means an application filed under section (1) of section 18 of the Act;

(d) “Authority” means the Airports Economic Regulatory Authority established under sub-section (1) of section 3 of the Act;

(e) “Forms” means the Form annexed to these rules.

(2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Form of application or appeal and verification thereof.—(1) An application to be filed before the Appellate Tribunal for adjudication of dispute under section 18 in Form I.

(2) An appeal against any direction, decision or order made by authority shall be filed before the Tribunal in Form II and shall be in five copies and accompanied with the certified copy of the direction or decision or order against which the appeal is filed.

(3) Every application or appeal filed before the Appellate Tribunal shall be in English and in case it is in some other Indian language it shall be accompanied by a copy translated in English and shall be fairly and legible type written, lithographed or printed in double spacing on one side of standard petition paper with an inner margin of about four centimeters width on top and with a right margin of 2.5 cm, and left margin of 5 cm, duly paginated, indexed and stitched together in paper book form.

1. *Vide* G.S.R. 702(E), dated 20th July, 2010, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 25th August, 2010.

2. Came into force on 25-8-2010.

4. Fee.—(1) Every application or appeal shall be accompanied by a fee of rupees ten thousand which may be remitted in the form of demand draft drawn in favour of Pay and Accounts Officer, Ministry of Civil Aviation, payable at New Delhi.

FORM I

[See sub-rule (1) of rule 3]

IN THE AIRPORT ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL, NEW DELHI

ORIGINAL JURISDICTION

APPLICATION NO.....OF 20.....

CAUSE TITLE

Between

A.B.Applicant(s)

And

C.D.Respondent(s)

(With short address)

1. Details of Application

[application under section 18(1) of the Airport Economic Regulatory Authority of India Act, 2008.]

2. Address of the applicant(s) for service is as set out hereunder:

- (i) Postal address including PIN code
- (ii) Phone number including mobile number
- (iii) E-mail
- (iv) Fax No.
- (v) Address of authorized representative with phone No. fax No., e-mail

3. Address of the repondent(s) for service of all notices:

- (i) Postal address including PIN code
- (ii) Phone number
- (iii) E-mail
- (iv) Fax Number
- (v) Mobile Number
- (vi) Address of authorized representative with phone number, fax, number, e-mail and mobile number

4. Jurisdiction of the Appellate Tribunal

The applicant(s) declares that the subject-matter of the application is within the jurisdiction of this Tribunal.

5. Facts of the case

(Give here a concise statement of facts in a chronological order followed by elaboration of issues including the question of law. Each paragraph should deal with, as far as possible a separate issue.)

6. Formulate (i) the facts in issue or specify the dispute between the parties and (ii) summarize the questions of law that arise for consideration in the application.

(a) Facts in issue

(b) Question(s) of law

7. Grounds raised with legal provisions.

8. Matters not previously filed or pending with any other court.

The applicant(s) further declares that the applicant(s) had not previously filed any writ petition or suit regarding the matter in respect of which this application is filed before any court or any other authority nor any such writ petition or suit is pending before any of them.

[In case the applicant(s) had previously filed any such writ petition or suit, the stage at which it is pending and, if decided, the outcome of the same should be specified and a copy of the order should also be annexed.]

9. Specify below the grounds for such relief(s) and the legal provisions, if any, relied upon.

10. Details of interim application, if any, preferred along with the application.

11. Details of applications, if any filed before this Appellate Tribunal against the same dispute, by Respondent(s) with numbers and date, if any passed in that application (if known).

12. Index

[An index containing the details of the documents in chronological order relied upon is enclosed.]

13. Particulars of fee payable and details of bank draft in favour of Pay and Accounts Officer, Ministry of Civil Aviation, New Delhi.

In respect of the fee for appeal.

Name of the Bank.....Branch.....Payable at Delhi. DD No.Date.....

14. List of enclosures:

1.

2.

3.

4.

15. Whether the copy of application with all enclosures has been forwarded to all respondent(s) and all interested parties, if so, enclose postal receipt/courier receipt.

16. Any other relevant or material particulars/details which the applicant(s) deems necessary to set out.

17. Relief sought

In view of the facts mentioned in para 5 above, points in dispute and questions of law set out in para 6, the applicant(s) prays for the following relief(s):

(a)

(b)

(c)

Dated at.....this.....day of.....20.....

Counsel for Applicant(s)

Applicant(s)

DECLARATION BY APPLICANT(S)

The applicant(s) above named hereby solemnly declare(s) that nothing material has been concealed or suppressed and further declare(s) that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the original(s)/fair reproduction of the originals/true translation thereof.

Verified at.....on thisday of.....20.....

Counsel for Applicant(s)

APPLICANT(S)

Verification

I.....[Name of the applicant] S/o. W/o.D/o. [indicate any one, as the case may be]..... age.....working as.....in the office of..... resident of.....do hereby verify that the contents of the paras..... to.....are true to my personal knowledge/derived from official record) and para.....to.....are believed to be true on legal advice and that I have not suppressed any material facts.

Date.....

Place.....

Signature of the applicant(s)

FORM II

[See sub-rule (2) of rule 3]

IN THE AIRPORT ECONOMIC REGULATORY
AUTHORITY APPELLATE TRIBUNAL NEW DELHI

APPELLATE JURISDICTION

APPEAL NO.....OF 20.....

CAUSE TITLE

Between

A.B.Applicant(s)

And

C.D.Respondent(s)

(With short address)

1. Details of Appeal

[appeal under section 18(2) of the Airport Economic Regulatory Authority of India Act, 2008 against impugned direction, decision or order dated..... passed.....under section.....of the Airport Economic Regulatory Authority of India Act, 2008.

2. Date of which the order appealed against is communicated and proof thereof, if any.

3. Address of the appellant(s) for service is as set out hereunder:

(i) Postal address including PIN code

(ii) Phone number including mobile number

(iii) E-mail

(iv) Fax No.

(v) Address of authorized representative with Phone No. Fax No., e-mail

4. Address of the respondent(s) for service of all notices in the appeal is as set out hereunder:

- (i) Postal address including PIN code
- (ii) Phone number
- (iii) E-mail
- (iv) Fax Number
- (v) Mobile Number
- (vi) Address of authorized representative with Phone No., Fax No., e-mail and mobile number

5. Jurisdiction of the Appellate Tribunal

The appellant declares that the subject-matter of the appeal is within the jurisdiction of this Tribunal.

6. Limitation

The appellant(s) declare that the appeal is within the period specified in sub-section (3) of section 18 of the Act. (Explain how the appeal is within the period prescribed in case the appeal is preferred after the expiry of 30 days from the date of direction/decision/order against which this appeal is preferred). In case the appeal is barred by limitation, the number of days of delay should be given along with interlocutory application for condonation of delay.

7. Facts of the case:

(Give here a concise statement of facts in a chronological order followed by elaboration of issues including the question of law arising in the appeal. Each paragraph should deal with, as far as possible a separate issue.)

8. Formulate (i) the facts in issue or specify the dispute between the parties and (ii) summarize the questions of law that arise for consideration in the appeal.

(a) Facts in issue

(b) Question(s) of law

9. Grounds raised with legal provisions.

10. Details of interim application, if any, preferred along with appeal.

11. Matters not previously filed or pending with any other court.

The appellant(s) further declares that the appellant(s) had not previously filed an writ petition or suit regarding the matter in respect of which this appellant is preferred before any court or any other authority nor any such writ petition or suit is pending before any of them.

[In case the appellant(s) previously had filed any such writ petition or suit, the stage at which it is pending and, if decided, the outcome of the same should be specified and a copy of the order should also be annexed].

12. Specify below explaining the grounds for such relief(s) and the legal provisions, if any, relied upon.

13. Details of appeal(s), if any preferred before this Appellate Tribunal against the same impugned order/direction, by Respondent(s) with numbers and dates, if any passed in that appeal (if known).

14. Index

[An index containing the details of the documents in chronological order relied upon is enclosed].

15. Particulars of fee payable and details of bank draft in favour of Pay and Accounts Officer, Ministry of Civil Aviation, New Delhi.

In respect of the fee for appeal.

Name of the Bank.....Branch.....Payable at Delhi. DD No.Date.....

16. List of enclosures:

1.

2.

3.

4.

17. Whether the copy of appeal with all enclosures has been forwarded to all respondent(s) and all interested parties, if so, enclose postal receipt/courier receipt in addition to payment of process fee as prescribed.

18. Any other relevant or material particulars/details which the appellant(s) deems necessary to set out:

19. Relief sought

In view of the facts mentioned in para 7 above, points in dispute and questions of law set out in para 8, the appellant(s) prays for the following relief(s):

(a)

(b)

(c)

Dated at.....this.....day of.....20.....

Counsel for Appellant(s)

Appellant(s)

DECLARATION BY APPELLANT(S)

The appellant(s) above named hereby solemnly declare(s) that nothing material has been concerned or suppressed and further declare(s) that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the original(s)/fair reproduction of the original/true translation thereof.

Verified at.....on thisday of.....20.....

Counsel for Appellant(s)

APPELLANT(S)

Verification

I.....(Name of the appellant(s) S/o. W/o. D/o. [indicate any one, as the case may be].....age.....working as.....in the office of.....resident of.....do hereby verify that the contents of the paras.....to.....are true to my personal knowledge/derived from official record) and para.....to.....are believed to be true on legal advice and that I have not suppressed any material facts.

Date.....

Place.....

Signature of the appellant(s)