

ऐरा/20010/एमआईएल/डीएफ और एमडीएफ/2020-21
AERA/20010/MIAL/DF & MDF/2020-21
भारतीय विमानपत्तन आर्थिक विनियामक प्राधिकरण
Airports Economic Regulatory Authority of India

आदेश संख्या 09/2022-23

Order No. 09/2022-23

ऐरा भवन/AERA Building
प्रशासनिक कॉम्पलेक्स/Administrative Complex
सफदरजंग हवाईअड्डा/Safdarjung Airport
नई दिल्ली/New Delhi – 110003

जारी करने की तारीख: 30 जून, 2022/ Date of Issue: 30th June, 2022

विषय : छत्रपति शिवाजी महाराज अंतरराष्ट्रीय हवाईअड्डा, मुंबई में परियोजना निर्माण कार्य के लिए विकास शुल्क (डीएफ) और मेट्रो परियोजना कार्य के लिए मेट्रो विकास शुल्क (एमडीएफ) लगाने के मामले में -विकास शुल्क(डीएफ) और मेट्रो विकास शुल्क (एमडीएफ) लगाने की अवधि बढ़ाने के संबंध में

Sub.: In the matter of levy of Development Fee (DF) for Project Works and Metro Development Fee (MDF) for Metro Project Work at Chhatrapati Shivaji Maharaj International Airport, Mumbai - Extension of period of levy of DF & MDF- reg.

1. AERA has sanctioned levy of DF @ Rs.100/- per embarking domestic passenger and Rs.600/- per embarking international passenger to cover deficit in project financing vide its Order No. 29/2012-13 dated 21.12.2012 for a total amount of Rs.3845.50 Cr. to be collected up to 30.04.2021.
2. Further, AERA has sanctioned levy of DF for financing the Metro Works at Mumbai Chhatrapati Shivaji Maharaj International Airport @ Rs.20/- per domestic embarking passenger and Rs.120/- per international embarking passenger for a total amount of Rs.518.00 Cr. vide its Order No. 46/2015-16 dated 28.01.2016. Both the levies were merged into a combined DF of Rs.120/- per domestic embarking passenger and Rs.720/- per international embarking passenger and were approved to be collected up to 31.03.2021.
3. Airports Authority of India (Major Airports) Development Fee Rules 2011, notified by MoCA on 02.08.2011, inter-alia, set forth responsibility on Airports Authority of India to manage the DF fund and also to monitor the collection and utilization of DF fund including preparation of accounts and audit of the same.



4. The Authority, on the basis of letter no. AAI/MC/MIAL-06/DF-A/2020/165 dated 21.12.2020 and AAI/MC/MIAL-06/2020/115 dated 12.11.2020 submitted by AAI and after taking note of the fact of drastic decrease in passenger traffic due to COVID-19 pandemic, had issued an Order No. 66/2020-21 dated 24th March 2021, allowing Chhatrapati Shivaji Maharaj International Airport, Mumbai to continue collecting DF @ Rs.120/- per domestic embarking passenger and Rs.720/- per international embarking passenger till 31.03.2022.
5. The Authority, in the month of December 2021 reviewed the position of said matter as per the decision No. 5(ii) of Order No 66/2020-21 dated 24th March 2021 and sought the detailed recommendations along with audited reports from AAI on the request of MIAL for further extension of DF & MDF beyond March 2022 due to the shortfall in the collection of both the levies due to pandemic. On receipt of AAI reply dated 16th March 2022, the Authority observed various inconsistencies in the MIAL's claim and AAI's information. Also, in addition, AAI had pointed out certain issues of importance in the DF & MDF Audit Reports and MIAL's claim, which needed to be sorted out. As a result, the Authority had issued Order No. 49/2021-22 dated 28th March 2022 allowing Chhatrapati Shivaji Maharaj International Airport, Mumbai to continue collecting DF @ Rs.120/- per domestic embarking passenger and Rs.720/- per international embarking passenger till 30.06.2022.
6. In view of the above, AAI, vide letter no. AAI/MC/MIAL-06/DF-A/2022/515 dated 23.06.2022 has confirmed that the actual DF billing as submitted by MIAL up to 31.03.2022 is Rs.3385.02 Cr. (as per Audited Report) against total DF allowed of Rs. 3845.50 Cr. AAI has also submitted that for the month of April and May 2022, MIAL has collected total amount of Rs. 56.27 Cr. AAI has recommended that the cumulative billing till 31.05.2022 is Rs. 3441.29 Cr., leaving a gap of Rs.404.23 Cr. to be billed by MIAL.
7. AAI has also confirmed vide email dated 27.06.2022 that the total shortfall in MDF billing as on 31.05.2022 is Rs. 52.81 Cr. AAI has also intimated that the MDF Audit Report for the period from January 2022 to March 2022 are being reviewed and amount of MDF billings for April 2022 & May 2022 has been taken based on GST claim submitted by MIAL, and are provisional and subject to Audit by the Independent Auditor appointed by AAI.
8. Therefore, based on the confirmation of AAI, the Authority has considered the request of MIAL vide letter no. MIAL/CO/AERA-DF/2022/3 dated 16.06.2022 for extension of the period of levy for project DF & MDF beyond 30.06.2022, due to shortfall in the collection of both the levies due pandemic. However, MIAL vide email dated 17.06.2022 has submitted different amounts recoverable for DF & MDF leading to variance in the submission of AAI & MIAL.



9. Thus, in view of the paucity of time for resolving the issues and reconciliation of figures as per MIAL and AAI and also taking into account the current passenger traffic volume, there is a necessity to extend the levy of DF & MDF beyond 30.06.2022, to recover the sanctioned DF and MDF amount. Accordingly, the Authority decides to extend the levy of DF/MDF up to 31.03.2023. Further, the Authority will review the said matter, based on the actual audited figures submitted by AAI from time to time ,and, necessary action/order in this regard will be issued based on such recommendation of AAI.

ORDER

In view of the above, to avoid any regulatory vacuum in respect of levy of DF & MDF being collected by the regulated entity, the Authority in exercise of its powers conferred by section 13(1)(b) of the Airports Economic Regulatory Authority Act 2008 hereby orders that:

- (i) Chhatrapati Shivaji Maharaj International Airport, Mumbai is allowed to continue to collect the consolidated DF & MDF @ Rs.120/- per domestic embarking passenger and Rs.720/- per international embarking passenger from 01.07.2022 to 31.03.2023, as an interim measure.
- (ii) The position will be reviewed, based on the actual audited figures submitted by AAI, and further decision will be taken in due course.

By the Order and in the Name of the Authority


(Col. Manu Sooden)
Secretary

To,

Shri Prakash Tulsiani, Chief Executive Officer,
Mumbai International Airport Limited,
CSMI Airport, 1st Floor, Terminal 1,
Santacruz (E), Mumbai 400 099.

Copy to:

- (i) Secretary, Ministry of Civil Aviation, Rajiv Gandhi Bhavan, Safdarjung Airport, New Delhi 110 003.
- (ii) Chairman, Airports Authority of India, Rajiv Gandhi Bhavan, Safdarjung Airport, New Delhi 110 003.

