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Bangalore International Airport Limited
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Bengaluru International Airport,
Devanahalli, Bangalore - 560 300, India.
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784/424/11
21/6/11

Ref: BIAL/AERA/CP4/2011

June 17, 2011

To,
Shri. Sandeep Prakash,
Secretary,
Airports Economic Regulatory Authority of India,
AERA Building, Administrative Complex,
Safdarjung Airport,
New Delhi - 110 003.

21/6/11

DGM(R)

Dear Sir,

Sub: Comments in respect of Consultation Paper No.04/2011-12

Ref: F. No. AERA/20010/MYTP/MAB/C/BIAL/2011-12 - Consultation Paper No.04/2011-12
dt. 3rd June 2011.

This has reference to the Consultation Paper No.04/2011-12 dt. 3rd June 2011 on "Multi Year Tariff Proposal for 1st Control Period submitted by Menzies Aviation Bobba (Bangalore) Private Limited for providing Cargo Handling Services at Bengaluru International Airport, Bangalore".

In this connection, we would like to bring to your kind attention that, Bangalore International Airport Limited (BIAL) has preferred an Appeal (Appeal No. 12/2011) on Order Nos.5, 12, Direction No. 4, DO letter dt. 21.2.2011 and Order No. 17 passed by the Authority inter alia on the grounds that services of Cargo, Ground Handling and Supply of Fuel to the Aircraft are outside the ambit of regulation as they are non-regulated activities as per the Concession Agreement signed between Government of India and BIAL and the Independent Service Providers (ISPs) derive their right through respective Service Provider Right Holder Agreements entered with BIAL.

Appeal No.12/2011 was heard on 19th May 2011 by the Hon'ble Appellate Tribunal and the Tribunal was pleased to tag the said Appeal with Appeal No.7/2011 and ordered that the interim order passed in Appeal No.7/2011 shall operate in this case also. It was further ordered that the information received by the Authority in response to Direction No. 4 shall be treated as confidential and that the authority shall not proceed to determine tariff.

This submission is being made without prejudice to our right to make further submissions at a subsequent stage, if found necessary.

Thanking you and warmest regards,

Yours sincerely,
for Bangalore International Airport Limited

(B. Bhaskar)
Director - Finance

Encl: AERAAT orders dt. 11th May 2011 & 19th May 2011.

Registered Office: Administration Block, Bengaluru International Airport, Bangalore - 560 300.

AIRPORTS ECONOMIC REGULATORY AUTHORITY APPELLATE TRIBUNAL

APPEAL NO. 12 OF 2011

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order No 5, 12, 17 and direction No. 4 passed by the Airports Economic Regulatory Authority of India]

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Shri Rahul Sarin
Member

Hon'ble Mrs. Pravin Tripathi
Member

In the matter of :

***Bangalore International Airport
Ltd. (BIAL)***

... ***Appellant***

Versus

AERA & anr.

... ***Respondents***

Appearances : Dr. Abhishek Manu Singhvi, Sr. Advocate with Mr. Ankur Chawla, Ms. Pallavi Langar, Mr. Akhil Anand and Ms. Meenakshi Chatterjee, Advocates for the Appellant.
Mr. Naresh Kaushik with Ms. Amita Kalkal and Mr. Alok Kaushik, Advocates for Respondent No.1

ORDER

19th May, 2011

Mr. Naresh Kaushik accepts notice for Respondent No. 1. Issue notice to Respondent No. 2. Tagged with Appeal No. 7 of 2011. The order in that appeal shall operate in this case also.

List the matter on 6th July, 2011.

(Dr. Justice Arijit Pasayat)
Chairman

(Rahul Sarin)
Member

(Pravin Tripathi)
Member

AUTHORITY APPELLATE TRIBUNAL

APPEAL NO. 07 OF 2011

[Under Section 18(2) of the Airports Economic Regulatory Authority of India Act, 2008 against the order dated 28.02.2011 passed by the Airports Economic Regulatory Authority of India]

CORAM

Hon'ble Dr. Justice Arijit Pasayat
Chairman

Hon'ble Mrs. Pravin Tripathi
Member

In the matter of :

**Bangalore International Airport
Limited (BIAL)**

... Appellant

Versus

UOI & Ors.

... Respondents

Appearances : Dr. Abhishek Manu Singhvi, Sr. Advocate with Mr. Ankur Chawla, Mr. Ashish Jha and Ms. Pallavi Langar, Mr. Sajan Poovayya, Mr. Akhil Anand and Mr. Anesh Patnaik, Advocates for the Appellant. Mr. Atul Nanda, Sr. Advocate with Mr. Naresh Kaushik, Ms. Rameeza Hakeem and Mr. Alok Kaushik, Advocates for Respondent No. 2

ORDER

11th May, 2011

Reply by the respondent has not been filed. It shall be done within four weeks. If any rejoinder is to be filed, the same shall be done within three weeks thereafter. The matter shall be listed on 6th July, 2011.

In the meantime, without prejudice to the stands taken, let the requisite information/details/data/tariff proposal be furnished by the appellant to the Regulatory Authority. It may continue the process of the determination, but shall not make a final determination without leave of this Court. Time for submission of information/details/data/tariff proposal/details is extended till 31st July, 2011. It is made clear that since the tariff proposal/information/data/details are being directed to be given without prejudice to the claims involved, they shall be treated as confidential by the Regulatory Authority.

(Dr. Justice Arijit Pasayat)
Chairman

(Pravin Tripathi)
Member