

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2015

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.22407 of 2015

and

M.P.No.1 of 2015

1. M/s.Bhadra International (India) Pvt. Ltd.,
Represented by its Director,
Mr.Prem Balaji,
42, Rani Jhansi Road, Jhandewalan,
New Delhi-110 055.
2. M/s.Novia International Consulting APS
Represented by its Resident Representative,
Mr.Pederson Ingolf
Chennai International Airport,
Meenambakkam,
Chennai-600 027.
3. Tie Up between Bhadra
International India Pvt Ltd., and
Novia International Consulting APS
42, Rani Jhansi Road,
Jhandewalan,
New Delhi-110 055.

...Petitioners

-Vs-

1. Airports Authority of India,
Rep by Executive Director (Commercial),
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi-110 003.
2. The Airport Director,
Airports Authority of India,
Chennai Airport, Chennai-600 027.

3. The Regional Executive Director,
Southern Region,
Airports Authority of India,
Chennai Airport,
Chennai-600 027.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to forthwith strictly implement the order No.COM/931/1.1/REG/GHS/NR/2013/760 dated 25.08.2014 issued by the Headquarter office of the first respondent viz., Airport Authority of India and consequently remove all Non-Entitled Entities, their manpower as well as their equipments from airport premises.

For Petitioners : Mr.P.S.Raman, Senior Counsel
for Mr.N.Vijayakumar

For Respondents : Mr.Vijayanarayanan, Senior Counsel
Assisted by
Mr.R.Parthiban

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state that it was incorporated on 20.10.2000 with the specific object and purpose of establishing all necessary infrastructure and carrying on and providing ground handling services for aircrafts at airports in India and abroad and it would further state that in the year 2007, a new ground handling policy was conceptualized after getting clearance from the Cabinet Committee on Security, the same was framed and issued as 'Airport Authority of India' (General Management, Entry for Ground Handling Services) Regulations, 2007. The Airports Authority of India has floated tenders for appointment of professional ground handling agency in terms of Clause 3 of the above said Regulations. The petitioner herein had a tie-up arrangement with M/s.Novia International Consulting APS and participated in the global tender and submitted a bid for the licence for providing ground handling services at (a) Chennai & Kolkata airports; (b) Southern Region Airports comprising of Trivandrum, Calicut, Coimbatore, Mangalore and Trichy; and (c) Western region airports comprising of Ahmedabad, Goa and Pune airports. The petitioner was awarded licence for Chennai and Kolkata as well as five southern region airports vide award

letter dated 09.09.2009 and 07.12.2009 respectively and the petitioner for that purpose infused substantial amount of capital as the same was required to set up this huge project of national importance, which include procurement of IATA standard equipments for providing world class ground handling services. The grievance expressed by the petitioners is that inspite of the above said regulations and orders passed by the Hon'ble Supreme Court of India in S.L.P.(C) No.7764/2011 titled Federation of Indian Airlines and Others v. Union of India and Others, various Non-Entitled Entities were used for ground handling services, which may ultimately affect the security of the airports. It is the specific case of the petitioners that in the light of the above said Regulations, persons belonging to such Non-Entitled Entities cannot be permitted for the purpose of handling ground handling services and hence, came forward to file this writ petition.

3. Mr.P.S.Raman, learned Senior counsel appearing for the petitioners has drawn the attention of this Court to the letter of the first respondent dated 25.08.2014 and would submit that the first respondent in the above said letter, has directed the Regional Executive Directors, Norther/Southern, Delhi/Chennai as well as the Airport Director, Chennai/Kolkatta Airport, Kolkata/Chennai to strictly comply with the Ground Handling Regulations, 2007 and though it was brought to the knowledge of the respondents, no action has been taken so far and hence, came forward to file this writ petition.

4. Per contra, Mr.Vijayanarayanan, learned Senior Counsel appearing for the respondents would submit that no doubt, certain Non-Entitled Entities are handling the ground handling services and since, some of them have moved this Court and got interim orders, there is some difficulty in removing them and on instructions would submit that expeditious and necessary steps would be taken to comply with the above said Regulations and in that event, the grievance expressed by the petitioners will be addressed and rectified.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. This Court, in the light of the above facts and circumstances, directs the respondents to implement the 'Airport Authority of India' (General Management, Entry for Ground Handling Services) Regulations, 2007 strictly in letter and spirit and take appropriate steps to remove the various Non-Entitled Entities operating in the Airport of Chennai ***Trivandrum, Calicut, Coimbatore, Mangalore and Trichy** as expeditiously as possible and periodically inform the action taken, to the petitioners.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)
DATED : 27.07.2015

***Corrected as per order
dated 31.07.2015
Sd/- Assistant Registrar(CS III)
Dated : 04.08.2015**

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.Executive Director (Commercial),
Airports Authority of India,
Rajiv Gandhi Bhawan,
Safdarjung Airport, New Delhi-110 003.
- 2.The Airport Director,
Airports Authority of India,
Chennai Airport, Chennai-600 027.
- 3.The Regional Executive Director,
Southern Region,
Airports Authority of India,
Chennai Airport, Chennai-600 027.

To be Substituted to the
order already despatched
on 27.07.2015

- 2 CCs to Mr.N.Vijayakumar, Advocate SR.No. 39006
1 CC to Mr.R.Parthiban, Advocate SR.No. 38006

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and M.P.No.1 of 2015

BVR (CO)
PSI (27.07.2015)
KRA(04.08.2015)

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