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HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 170 of 2019***{Arising out of order dated 10.12.2018 passed by the learned Division Judge in
Writ Petition (PIL) No.37 of 2017}*

- Kamal Kumar Dubey S/o - Shri N.P. Dubey Aged About 52 Years Freelance Journalist And Stinger, Dd News, R/o - Vinoba Nagar, Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. Union of India Through Its Secretary, Ministry of Civil Aviation, North Block, New Delhi
2. Airport Authority of India Limited, Corporate Hq, S. Rajiv Gandhi Bhawan, Safdarganj, Airport, Block-A, New Delhi 110003
3. State of Chhattisgarh Through Chief Secretary, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh
4. Collector, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	: Shri Ashish Shrivastava, Advocate.
For Respondent No.1	: Shri B. Gopa Kumar, Assistant Solicitor General.
For Respondent No.2	: Shri Anumeh Shrivastava, Advocate.
For Respondent/State	: Shri S.C. Verma, Advocate General with Shri Gagan Tiwari, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Order on Board****P. R. Ramachandra Menon, Chief Justice****14.11.2019**

1. The Review petitioner seeks to have the writ petition restored to the file after recalling the order dated 10.12.2018 recording satisfaction as to the course and events with regard to setting up of Airport and commencement of operations at Bilaspur, which however did not come to existence.
2. Heard Shri Ashish Shrivastava, the learned counsel for the review Petitioner, Shri B. Gopa Kumar, Assistant Solicitor General appearing on behalf of the Central Government, Shri S.C. Verma, Advocate General with Shri Gagan Tiwari, Deputy Government Advocate and Shri Anumesh Shrivatava, the learned counsel for Respondent No.2/The Airport Authority of India Ltd.

3. During the course of hearing, the learned counsel for the Petitioner highlighted the importance of Bilaspur and the revenue that is being generated in this sector from different corners, in comparison with other sectors. Shri B. Gopa Kumar, the learned Assistant Solicitor General submits that pursuant to the proceedings taken so far, the license granted is only of "2C" category, by virtue of which, the Aircrafts with maximum seating capacity of about 20 can only ply in the route; which is not at all commercially viable to make the services operational in all respects. This is more so, since the airfield is operated by private carriers, except Air India. For Air India, there is a proposal to de-invest opening doors to facilitate private investment as a matter of policy and steps in this regard are going on. Unless the carriers come forward to operate in this sector, with reference to commercial viability, the Airport cannot be made operational. It has to obtain license either under '3C' or '4C' category and once steps are taken in this regard, operation could be facilitated from the part of the Central Government, submits the learned Assistant Solicitor General.
4. Almost similar submissions are made on the part of the Airport Authority of India as well, pointing out that there has to be co-operation from the part of the State in this regard.
5. The learned counsel for the Petitioner concedes that State has been co-operating right from the beginning. The learned Advocate General submits that the State is ready to extend full support to settle the grievance projected by the Petitioner. It is also pointed out that, some discussions have already made by Governmental authorities with such other authorities; especially the private carriers and information has been gathered to the effect that such carriers are ready to start commercial operation, at least with carriers/aircrafts having carrying capacity of 70 passengers (which comes under 3C category license). The bigger Aircrafts can be considered for

operations, only if 4C license is procured from the Director General of Civil Aviation under the Ministry of Civil Aviation.

6. The learned counsel representing the parties as above submit unanimously that, if concerted efforts are taken from all segments, the desired objective can be achieved and the Airport can be made operational, which is of larger public interest.
7. In the said circumstances, we find it appropriate to deal with the matter on merits and accordingly, the order dated 10.12.2018 closing the writ petition, based on the submissions made across the bar on that date, stands recalled.
8. The review petition stands allowed and the Writ Petition (PIL) No.37 of 2017 is restored to its original number.
9. The parties are set a liberty to supplement the pleadings. It is for the Petitioner to amend the pleadings and prayers in appropriate manner also with reference to the necessity to have 3C or 4C license, as case may be.
10. This Court also of the view that, to have an effective adjudication of the issue, particularly with reference to the commercial feasibility, it will only be proper if the Petitioner takes steps to implead the Air India and such other private carriers in the writ petition, as they are also major stake holders.
11. Post Writ Petition (PIL) No.37 of 2017 for further consideration on 13.12.2019.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge