



W.P.(MD)Nos.4668 & 9444 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.4668 & 9444 of 2022

and

W.M.P.(MD)Nos.5784, 5826, 8001 & 8002 of 2022

In W.P.(MD)No.4668 of 2022

M/s.ABS Xpress Pvt Ltd.,
No.5, Kajamian School Complex,
TVS Tollgate, Mannarpuram,
Rep. by its Director,
A.Helan, aged 49/2022

... Petitioner

Vs.

1.M/s.Airport Authority of India,
Corporate Office, Rajiv Gandhi Bhavan,
Safdarjung Airport, New Delhi-110003.

2.M/s.Airport Authority of India,
Madurai Airport, Madurai,
Rep. by its Director.

3.M/s.AAI Cargo Logistics and Allied
Services Company Ltd., (Subsidiary of AAI)
Corporate Office at AAICLAS Complex,
Delhi Flying Club Road,
Safdarjung Airport,
New Delhi-11003.

4.AAI Cargo Logistics and Allied Services Company Ltd.,
Madurai Branch, Rep. by its Regional Manager (Cargo),



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Integrated Air Cargo Complex,
Meenambakkam, Chennai Airport,
Chennai-600027.

5.AAI Cargo Logistics and Allied Services Company Ltd.,
Madurai Branch, Rep. by its Manager (Cargo),
Airport Complex, Madurai. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent in No.AAICLAS/SR/IXM/10/2021-222 2679, dated 23.02.2022 and quash the same and consequently, pleased to direct the respondents 4 and 5 to provide total exemption of payment of license fe and other charges to out concern in respect of 'Operation and Management of Common User Domestic Air Cargo Terminal in AAI Complex, Madurai Airport' for the period from 25.03.2020 to 30.08.2020, further to reduce, revise, re-fix the license fee, other charges on pro-rate basis from 01.09.2020 to 27.03.2022 based on the GOI OM No.F18/4/22020 PPD dt., 13.05.2020 in additional to extension of period of license by six months and please to grant such other reliefs.

In W.P.(MD)No.9444 of 2022
M/s.ABS Xpress Pvt Ltd.,
No.5, Kajamian School Complex,
TVS Tollgate, Mannarpuram,
Rep. by its Director,
A.Helan, aged 49/2022

... Petitioner

Vs.



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1.M/s.Airport Authority of India,
Madurai Airport, Madurai,
Rep. by its Director.

2.AAI Cargo Logistics and Allied Services Company Ltd.,
Rep. by its Regional Manager (Cargo),
Integrated Air Cargo Complex,
Meenambakkam, Chennai Airport,
Chennai-600027.

3.AAI Cargo Logistics and Allied Services Company Ltd.,
Madurai Branch, Rep. by its Manager (Cargo),
Airport Complex, Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the order / communication of the second respondent in No.AAICLAS/SR/IXM/54/2022-23/4033-4038, dated 29.04.2022 and quash the same and consequently, pleased to direct the second and third respondents to unlock and de-seal the petitioner's Common User Domestic Air Cargo Terminal Premises in AAI Complex, Madurai Airport, Madurai immediately.

For Petitioner : Mr.R.S.Sivaram

For Respondents : Mr.C.Godwin
(in both W.Ps.)



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COMMON ORDER

Heard the learned counsel on either side.

2. The petitioner was granted license for Operation and Management of the Common User Domestic Air Cargo Termination at Madurai under agreement dated 28.02.2015. The license was valid for a period of five years ie., from 01.05.2015 to 30.04.2020. The license period was extendable by another two years on mutual agreeable terms and conditions. The petitioner did not have any difficulty in enjoying the license for the original period of five years. Thereafter, when the license period expired, COVID struck the Nation. Vide letter dated 24.06.2020, the license was extended by a further period of two years with effect from 01.05.2020. A formal agreement was also entered into on 17.02.2021.

3. The grievance of the petitioner is that domestic as well as international flights were severely disrupted. Yet, according to the petitioner, the respondents insisted on the petitioner honouring the



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commercial terms of the license. According to the petitioner, he had remitted a sum of Rs.13,25,000/-. The stand of the respondents is that since the petitioners did not pay the monthly license fee as per the agreement, license was liable to be terminated. That led to the filing of these writ petitions.

4. The respondents will not be justified in demanding payment of license fee for the period when there was total lockdown. Where due to lockdown restrictions, the movement of Cargo was severely impacted, the quantum of license fee will have to be revisited and redetermined. But on that score, the petitioner cannot seek extension of the license period. The issue as regards the liability or the quantum of liability of the petitioner to pay the license fee is left open. The third respondent in Writ Petition (MD)No.4668 of 2022 is directed to revisit the issue of the petitioner's liability and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. Writ Petition (MD)No.4668 of 2022 is disposed of with the aforesaid direction. No costs.



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G.R.SWAMINATHAN,J.

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5. The license period had already expired; I am not inclined to direct the respondents to extend the license period; since a direction has already been given to revisit the quantum of license fee payable by the petitioner during the extended license period, I am not inclined to interfere with the order dated 29.04.2022. The Writ Petition (MD)No. 9444 of 2022 is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

05.07.2022

Index : Yes / No
Internet : Yes/ No
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