

- (d) towns which will benefit from this new policy in Andhra Pradesh; and
- (e) steps proposed to plan wide connectivity at economic prices for smaller towns?

THE MINISTER OF CIVIL AVIATION (SHRI VAYALAR RAVI): (a), (b), (d) and (e)
The discussion about capacity redistribution norms for airline is at very preliminary stage.

(c) The detail of existing Category I routes are as follows:-Mumbai-Bengaluru, Mumbai-Chennai, Mumbai-Delhi, Mumbai-Hyderabad, Mumbai-Kolkata, Mumbai-Trivandrum, Delhi-Chennai, Delhi-Hyderabad, Kolkata-Bengaluru, Kolkata-Chennai and Kolkata-Delhi.

Levying of Airport Development Fee

1266. SHRI JAI PRAKASH NARAYAN SINGH: Will the Minister of CIVIL AVIATION be pleased to state:

- (a) whether it is a fact that the Hon'ble Supreme Court had quashed the levying of Airport Development Fee (ADF) by private airport developers;
- (b) if so, the details thereof;
- (c) whether there was any understanding between Delhi International Airport Pvt. Ltd. and officials of Ministry of Civil Aviation while recommending ADF for DIAL;
- (d) whether Government is contemplating of ordering a CAG/CBI probe into the whole issue to unearth the truth;
- (e) if so, the details thereof; and
- (f) if not, the reasons for not taking any action on the officials of the Ministry and DIAL for illegally charging ADF from passengers?

THE MINISTER OF CIVIL AVIATION (SHRI VAYALAR RAVI): (a) and (b) No, Sir. Government had, in February, 2009, approved the levy of Development Fee (DF) by Delhi International Airport Pvt. Ltd. (DIAL) and Mumbai International Airport Pvt. Ltd. (MIAL) at Indira Gandhi International Airport, New Delhi and Chhatrapati Shivaji International Airport, Mumbai, purely on an *ad-hoc* basis to bridge the funding gap in the expansion/development programme taken up by these companies at the respective airports. The levy was to be reviewed and finalised by the Regulator. The aforesaid approval by the Central Government was challenged in public interest litigations before the Hon'ble Delhi High Court. The Hon'ble High Court *vide* order and judgment dated 26.08.2009 upheld the validity thereof. However, in appeal, the Hon'ble Supreme Court has *vide* judgment dated 26.04.2011 held that the DF levied under Section 22A of the Airports Authority of India (AAI) Act, 1994 though described as a fee is really in the nature of a cess or a tax for generating revenue for the specific purposes mentioned in clauses (a), (b) and (c) of Section 22A. Therefore, being a taxing statute section 22A is to be construed strictly. In this light, the Hon'ble Supreme Court has observed that the Central Government has only the

power to grant its previous approval to the levy and collection of DF but has no power to fix the rate at which the DF is to be levied and collected from the embarking passengers. Hence, the levy and collection of development fees by DIAL and MIAL at the rates fixed by the Central Government in the two letters dated 09.02.2009 and 27.02.2009 are ultra vires the 1994 Act. The Hon'ble Supreme Court has further directed that henceforth, any development fees that may be levied and collected by DIAL and MIAL under the authority of the orders passed by the AERA under Section 22A of the 1994 Act as amended by the 2008 Act shall be credited to the AAI and will be utilized for the purposes mentioned in clauses (a), (b) or (c) of the Section 22A of the 1994 Act in the manner to be prescribed by the rules.

(c) No, Sir.

(d) to (f) Do not arise.

Turbulence faced by Jet Airways flight

1267. SHRI ISHWAR SINGH: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether a Jet Airways flight from Delhi to Guwahati with 134 passengers and crew on board was caught in a severe turbulence due to passing of a Boeing 747 jumbo aircraft as reported in the media on 22nd July, 2001;

(b) if so, whether the Directorate General of Civil Aviation (DGCA) had ordered a probe into the incident;

(c) if so, the details of the report submitted by the investigating team;

(d) whether any responsibility has been fixed into such incident and if so, the details thereof; and

(e) the steps Government proposes to take to avoid such incidents in future?

THE MINISTER OF CIVIL AVIATION (SHRI VAYALAR RAVI): (a) to (c) On 21/07/2011 at 1124 hours IST, Jet Airways flight JAI 2280 experienced moderate wake turbulence. The occurrence was investigated by Inspector of Accident appointed by Directorate General of Civil Aviation (DGCA), which revealed that Jet Airways flight JAI 2280 experienced moderate wake turbulence due to Eva airline flight, EVA 6070, B-744(747) flying 1000 feet above. Both the aircraft were flying in RVSM airspace and there was no breach of separation. All operations were normal. There was no injury to any passenger or crew.