

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION(S)(CIVIL) NO. 998/2020

RAJEN MEHTA

Petitioner(s)

VERSUS

DIRECTORATE GENERAL OF CIVIL
AVIATION & ANR.

Respondent(s)

—

O R D E R

This writ petition filed under Article 32 of the Constitution of India prays as under:

(a) Issue appropriate writ, order or direction, directing the respondents to install the Engineered Mass Arresting System (EMAS) in the airports located in Mangalore, Karnataka and Calicut, Kerala;

(b) Issue appropriate writ, order or direction, directing the respondents to examine which other runways and airports in the country require such Engineered Mass Arresting System (EMAS) and pass directions for installations of the

(c) Issue appropriate writ, order or direction directing an enquiry to be conducted as to why Engineered Mass Arresting System

(EMAS) were not installed earlier, despite specific knowledge and take appropriate action against the officials responsible under criminal law or any other law, as may be deemed appropriate;"

It has been submitted that, there are certain airports where because of the location, peculiar features or because of short length of the runway, the landing operations can be vulnerable and there is a possibility of mishap or of an untoward incident. One of the suggested modalities to avoid such eventuality is to have Engineered Mass Arresting System (EMAS) installed at such vulnerable airports.

After issuance of notice, the submission of Ms. Aishwarya Bhati, learned ASG that the Ministry of Civil Aviation would hear the petitioner on the issues raised in the petition was recorded.

Accordingly, a Committee consisting of Shri I.N. Murthy, Member (Operations), Shri S.K. Vyawahare, Executive Director (Engineering), Shri Dharamendra Bhojwani, Executive Director (Finance-I) and S.K. Singh, General Manager (Aerodrome Licensing) from Airport Authority of India (AA), Shri D.C. sharma, Joint Director

General from Directorate General of Civil Aviation and Shri Narendra Singh, Deputy Secretary from Ministry of Civil Aviation (MoCA) was constituted.

The committee heard the petitioner and the conclusions recorded by the Committee after the meeting dated 28.05.2021 are as under:

"11. CONCLUSION:

(1) In compliance with the directions of Hon'ble Supreme Court, the Committee constituted by MoCA, heard the petitioner Shri Rajen Mehta through VC. Mr. Mehta though replied to the technical queries raised by the Committee but could not provide evidence and statements in respect of technical characteristics of any specific arresting systems by any of the manufacturers of arresting systems. Petitioner also informed the committee that the EMAS product he was representing is no longer manufactured and he also accepted that he was not aware of technical specifications of other aircraft arresting systems available now but it is his view that some kind of arresting system should be considered as an alternate means of compliance where Standard RESA is not available.

(ii) However, the committee is of view that compliance with ICAO requirement is the obligation of the State and the compliance to the same can be achieved by meeting the RESA requirements but the Committee is also open to examine the feasibility and viability of installing any arresting system only as an alternate to RESA provided the detailed specifications of the same is available with documentary evidence."

It therefore emerges that after considering the submissions made by the petitioner, the matter was concluded by the committee as stated hereinabove.

It must be stated here that Ms. Bhati, learned ASG appearing for Ministry of Civil Aviation has assured this Court that every possible care and preventive measures shall be undertaken by the person concerned and if at any juncture any suggestions are given by the petitioner, the same shall also be considered and taken into account.

The petitioner having been heard, we see no reason to entertain this petition any longer. The writ petition is accordingly disposed of.

.....CJI.
[UDAY UMESH LALIT]

.....J.
[S. RAVINDRA BHAT]

.....J.
[BELA M. TRIVEDI]

New Delhi;
October 31, 2022.

ITEM NO.39

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 998/2020

RAJEN MEHTA

Petitioner(s)

VERSUS

DIRECTORATE GENERAL OF CIVIL AVIATION & ANR.

Respondent(s)

Date : 31-10-2022 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Shohit Chaudhry, AOR

For Respondent(s) Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, Ld. ASG
Ms. Manisha Chava, Adv.
Ms. Ameyavikrama Thanvi, Adv.
Mr. Akshay Amritanshu, Adv
Mr. Rajat Nair, Adv
Mr. Saurabh Mishra, Adv
Mr. Amrish Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

The writ petition is disposed of in terms of signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER

(signed order is placed on the file)