



Item No.P-1

Court on its own motion vs. State of Himachal Pradesh and others

CWPIL No.40 of 2025

28.04.2026 Present:

Ms. Sneh Bhimta, Advocate as *Amicus Curie*, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Additional Advocate General, for the respondents/ State.

Mr. Sandeep Dutta, Advocate, for respondent No.3.

Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajeev Sharma, Advocate, for respondents No.6 and 7/Union of India.

The scope of the present Public Interest Litigation was expanded on 11.11.2025 by passing the following order:-

*“Though the present petition was initially dealing with the ground of bird menace as such at Kangra/Gaggal Airport, but we expand the scope of CWPIL.*

2. *We are informed that the State of Himachal Pradesh has three airports i.e. at Shimla, Kullu and Kangra. However, in spite of the said infrastructure having been set up, apparently the Union of India has not made adequate arrangements for sufficient number of flights to operate from the said airports and thereby causing grave inconvenience to the residents of Himachal Pradesh. Especially, more so, keeping in view the fact that being a hilly State, it is difficult to commute, and for the State, the tourism industry is its main revenue earning mode.*

3. *We are informed that at Shimla and Kullu, there is usually only one flight operating on a hopping basis, and even the regularity pattern is also not followed.*

4. *Accordingly, we request Ms. Sneh Bhimta, Advocate, to assist the Court also on the abovesaid aspect. Copy of the paper book be supplied to her along with earlier orders passed.*

5. *Resultantly, we implead Union of India, through its Secretary, Ministry of Civil Aviation, Rajiv Gandhi Bhawan, Block B, Jorbagh Safdarjung Airport Area, New Delhi, as respondent No.7, to give the necessary details.*

6. Notice. Mr. Rajeev Sharma, Advocate, appears and accepts service of notice on behalf of respondent No.7.

7. Counsel for the State is directed to file a status report as to what request it has made to the concerned authorities for ensuring regular flights to the said airports.

8. To come up on 16.12.2025.”

The affidavit filed on behalf of the Ministry of Civil Aviation, Union of India through its Under Secretary would go on to show that the Central Government has developed and operationalized Shimla and Kullu Airports by allocating budget of Rs.116.70 Crore and Rs.37.29 Crores respectively under the Regional Connectivity Scheme (RCS). However, there is no mention in the affidavit regarding how much has been spent on the development of the Airport at Kangra, but it is stated that the said Airport is connected to Delhi and Chandigarh with 50 weekly flight movements operated by M/s IndiGo and M/s Spicejet. Regarding Kullu, it has been stated that the said Airport is also connected to Dehradun, Delhi and Jaipur with 16 weekly flight movements operated by M/s Alliance Air.

It is admitted that there is no scheduled flight operations at Shimla as the Alliance Air has stopped its operations due to the grounding and shortage of aircrafts, but it may re-commence its flight operations on aircraft availability. It has been mentioned that the Airports are suitable only for small aircraft like ATR-42, ATR-72 and Q400 and there is limited availability of such aircrafts with the airlines in the country. It has also been averred that the airlines operators are to introduce air services from any airport in

the country depending upon their operational and commercial viability.

The affidavit of the State filed today through its Special Secretary (Tourism & Civil Aviation) to the Government of Himachal Pradesh, however, specifies that Shimla is the only State capital, which is yet to be connected under the Regional Connectivity Scheme, whereas all other States are connected. The modified UDAN Scheme announced by the Union of India in the Union Budget 2026-27 also excludes the said benefit and no routes have been allocated for the Delhi-Shimla-Delhi and Shimla-Dharamshala-Shimla sectors by the Central Government. The State's limited financial capacity also handicaps it not making it feasible to continue providing Viability Gap Fund (VGF) for long in future. It has been averred that the respondents/ State has granted an amount of Rs.32,64,62,400/-, as per the Memorandum of Understanding signed on 05.04.2026 with the Alliance Air Aviation Ltd. as a Viability Gap Fund.

Keeping in view the contrasting stand as such and the fact that the State is not being given the benefit of Regional Connectivity Scheme, we are of the considered opinion that the presence of respondent No.7 would be necessary for adjudication of the dispute, who shall explain as to why the State of Himachal Pradesh has been given the step-motherly treatment. Considering the fact that apart from the residents of the State, who have to undergo arduous journey to reach the National Capital which is 8 hours by road considering the hilly terrain as firstly one has to reach Chandigarh which is a 3 hours drive. The

other issue which also merits consideration is that the State is heavily dependent upon the tourism, therefore, it is bounden duty as such also of the Union of India to provide adequate connectivity to the people who wish to visit the hill State as such which is not only dependent upon the large extent, but the heavy footfall as such and, therefore, it is imperative that the benefit of the UDAN Scheme is extended to the State capital also.

Accordingly, we direct respondent No.7 to come present to explain, as to why the above ambiguity is there, as such, in not granting the benefit to the State capital.

Mr. Balram Sharma, learned Deputy Solicitor General of India has requested that the said Officer will join the proceedings through video conferencing. It will only highlight the fact that it is very difficult for a Senior Bureaucrat from New Delhi to come to Shimla without the benefit of the air connectivity. Resultantly, we allow the request of learned Deputy Solicitor General of India and permit the Officer to join the proceedings through video conferencing at the first instance.

Keeping in view the urgency, as such, since the Alliance Air has agreed, in principle, to start operations from May, 2026, we defer the proceedings for **06.05.2026**.

**(G.S. Sandhawalia)**  
**Chief Justice**

**( Bipin C. Negi )**  
**Judge**

**April 28, 2026** (KS)