

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

Sr. No. 11

PIL No. 27/2015

IA No. 1/2018

(Through video conference from Srinagar)

Reserved on: 05.03.2020

Pronounced on: 17.08.2020

Y.V.Sharma and another ... Petitioner (s)

Through :- Mr. B.S.Salathia, Senior Advocate with
Mr. Pulkit Chrungoo, Advocate
(Present at the time of hearing on
05.03.2020)

V/s

Union of India and othersRespondent(s)

Through :- Mr. Inderjeet Gupta, Advocate for
respondent no. 4
Mr. Anuj Dewan Raina, Advocate for
respondent no. 6
Mr. Rahul Pant, Advocate for
respondent no. 7

WPPIL No. 24/2016

Zulikha Bano ... Petitioner (s)

Through :- None

V/s

Union of India and othersRespondent(s)

Through :- Mr. F.A.Natnoo, AAG for respondent no. 12
Mr. Syed Wajahat, Advocate for respondent
nos. 2, 8, 10 & 11

CORAM:

HON'BLE THE CHIEF JUSTICE

(On video conference from residence at Srinagar)

HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

(On video conference from residence at Jammu)

J U D G M E N T

GITA MITTAL, CJ:

1. PIL No. 27/2015 is a writ petition which stands filed by two residents of Jammu claiming to be public spirited persons who have been espousing issues of

public importance at various forums. The petitioner no. 1 states that he was thrice elected the President of Chamber of Commerce and Industries in Jammu, while the petitioner no. 2 is a practicing advocate, who has submitted that he has been agitating for the cause of general public.

2. The writ petition was filed by the petitioners complaining that the pricing of airlines tickets by private airlines is arbitrary; that airlines use differentiated pricings whereby price discrimination is effected and air services are sold at varying prices simultaneously to different segments, to the prejudice of the consumers.

It is contended by the petitioners that the practice which is followed is exploitative.

3. In support of their grievance, reliance is placed on newspaper reports highlighting opinions of Parliamentary panels, the Corporate Affairs Ministry and other persons. The grievance therefore is that passengers are being compelled to pay amounts for air services which are absolutely illogical, irrational and illegal as a result of arbitrary exercise of authority.

4. It is further submitted that the private airlines, who have been arrayed as the respondent nos. 6 to 9, are rendering public service and ought not to be permitted to overcharge.

5. By way PIL No. 27/2015, the petitioners have complained of instances when the flights have been delayed and the passengers have been made to be virtually "*illegally confined*" as they were not allowed to move from the departure lounges.

6. During the pendency of the above writ petition, one Zulikha Bano, teacher in a private school in Leh has filed writ petition, WPPIL No. 24/2016, complaining that exorbitant air fare for plying to and from Ladakh were charged by

the airlines creating tremendous difficulties for the common man of the remote region.

7. This writ petitioner complains that the Ladakh region of the erstwhile State of Jammu and Kashmir remains cut off from the rest of the country for more than seven months in a year on account of harsh weather conditions.

8. In this writ petition also, it was contended that airlines were adopting the unfair practice of sharp increases in the air ticket prices raising it from Rs. 30,000/- to Rs. 35,000/- making it difficult for the common man to travel to and from Ladakh.

9. The petitioner complains that despite the grievances expressed by the common people of Ladakh, the respondents were refusing to redress the grievances and were turning a blind eye to the difficulties of the people. The petitioner complains that the respondents are exploiting the isolation and the difficulties faced by the people of border region.

10. In this background, by way of the writ petition filed in public interest, the petitioner has sought issuance of directions to the respondents to subsidize air fare, specially for the local tribal population and to contain the illegal fare practice of unreasonably raising the cost of the tickets. The petitioner has also prayed for a direction to the respondents to bring uniformity in the price of the air tickets by the airlines.

11. In writ petition, WPPIL No. 24/2016, an order was passed on 8th February 2017 directing that this petition be listed along with PIL No. 27/2015.

12. In this background, both the writ petitions have been taken up for consideration and are being heard together.

13. So far as the statutory provisions are concerned, the petitioners have place reliance on Rule 135 of the Aircraft Rules, 1937, which envisages components of tariffs to be levied on the tickets of airplanes.

14. Complaining that there is no accountability in the manner of fixation of air tariff, the petitioners have made the following prayers in the writ petition :

- “(i) *Issue appropriate writ, order or direction to the respondents to submit the details regarding the rationale behind charging minimum and maximum air-tariff from a passenger travelling by air through the medium of different airlines and make them accountable to be more and more transparent vis-à-vis their passengers.*
- (ii) *To issue appropriate writ, order or direction for capping the minimum as well as maximum airfare being charged by the different airline services being service provider from its passengers in reaching different destinations, in order to enable the public at large to earn the affordability to travel by air.*
- (iii) *to issue appropriate writ, order or direction quashing communication No. F.No. 23-01/2015-AED dated Nil/July, 2015 issued by respondent No. 3 in complete departure to the directions issued by the Hon’ble Court in terms of its judgement dated 91-04-2015 while disposing of the Public Interest Litigation.”*

15. We may note that a similar grievance was made by the writ petitioner by way of WP (C) no. 26/2013, which was disposed of by an order dated 1st April, 2015 with liberty to the petitioner to make a representation to the Director General, Civil Aviation regarding their grievance. The petitioners have stated that the said representation was made. However, the grievance was neither considered nor redressed, necessitating the present writ petition.

16. Apart from the private airlines, the petitioners have also arrayed the Government owned Air India Limited as the respondent no. 5.

17. In response to the notice issued by this Court, objections stand filed by the Airport Authority of India, respondent no. 4 ; Jet Airways (India Ltd.), respondent no. 6 ; Air India Limited, respondent no. 5 ; Indigo Airlines,

respondent no. 7 ; the Director General, Civil Aviation-respondent no. 3 and Ministry of Civil Aviation, respondent no. 1.

18. We have heard Mr. B. S. Salathia, learned Senior Counsel for the petitioners as well as Mr. Inderjeet Gupta, learned counsel for the respondent no. 4; Mr. Anuj Dewan Raina for respondent no. 6 ; Mr. Rahul Pant, learned counsel for respondent no. 7 ; Mr. F.A.Natnoo, learned AAG for respondent no. 12 and Mr. Syed Wajahat, learned counsel for respondent nos. 2, 8, 10 & 11 in PIL No. 24/2016 at length and perused the available record.

Objection as to maintainability of the writ petition :

19. Right at the outset, a preliminary objection was pressed by learned counsels for all the respondents contending that no right of the petitioners is being violated, that this petition does not make out any public interest and therefore the instant writ petition is not maintainable.

20. In support of this objection, the petitioners have placed reliance on the pronouncement of Supreme Court in the case of **(2009) 7 SCC 561, Villanur Iyarkkai Padukappu Maiyam.**

21. In the pronouncement of the Supreme Court reported at **(2002) 2 SCC 393, Balco Employees Union (Regd.) v. Union of India**, it was held by the Supreme Court that public interest litigation must satisfy certain parameters. It was stated that such litigation would be permissible where the affected persons belong to the disadvantaged sections of the society (women, children, bonded labour, unorganized labour etc); where judicial law making is necessary to avoid exploitation (say, for instance, in matters of inter-country adoption, education of the children of the prostitutes) ; where concerns underlying a petition are not individualistic but are shared widely by large number of people (bonded labour,

undertrials prisoners, prison inmates); where judicial intervention is necessary for the protection of the sanctity of democratic institutions (independence of the judiciary, existence of grievance redressal forms), and where administrative decisions relating to development are harmful to the environment and jeopardize people's right to natural resources such as air and water.

22. In the judgment reported at (2003) 7 SCC 456, *Devaswom Managing Committee*, while summarizing the principles relating to entertaining the public interest litigation, the Supreme Court held that public interest litigation should be entertained at the instance of any interested person in the welfare of people who is in a disadvantaged position and, thus, not in a position to knock the doors of the Court.

23. On this issue, in judgment reported at (2004) 3 SCC 349, *Ashok Kumar Panday v. State of West Bengal*, it has been held as follows :

"4. When there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes, the said petition is to be thrown out. Before we grapple with the issue involved in the present case, we feel it necessary to consider the issue regarding public interest aspect. Public interest litigation which has now come to occupy an important field in the administration of law should not be "publicity interest litigation" or "private interest litigation" or "politics interest litigation" or the latest trend "paise income litigation". If not properly regulated and abuse averted it also becomes a tool in unscrupulous hand to release vendetta and wreak vengeance as well. There must be real and genuine public interest involved in the litigation and not merely an adventure of a knight errant or poke one's nose into for a probe. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. Courts of justice should not be allowed to be polluted by unscrupulous litigants by resorting to the extraordinary jurisdiction. A person acting bona fide and having sufficient interest in the proceeding of public interest litigation will alone have a locus standi and can approach the court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration. These aspects were highlighted by this Court in Janta Dal v. H.S. Chowdhary, (1992) 4 SCC 305 and Kazi Lhendup Dorji v. Central Bureau of Investigation, 1994 Supp (2) SCC 116. A Writ

petitioner who comes to the court for relief in public interest must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective. See Ramjas Foundation v. Union of India, 1993 Supp (2) SCC 20 and K.R.Srinivas v. R. M. Premchand, (1994 6 SCC 620..”

24. In the judgment reported at **(2007) 4 SCC 380, Vishavnath Chaturvedi (3) v. Union of India**, the Supreme Court held that while deciding the issue of maintainability of the public interest litigation, sufficiency of all the petitioners’ interest must be examined.

25. Our attention has been drawn to the judgment reported at **(2010) 3 SCC 402, State of Uttranchal v. Balwant Singh Chauhal**, wherein also the Supreme Court once again summarized the principles relating to entertaining public interest litigation and it was held that the Court should prima facie be satisfied that public interest in the litigation is substantially involved before entertaining the petition, also that the same involves larger public interest as well as the credentials of the petitioner.

26. Once again the principles governing obligations of the litigants while approaching the Court and the consequences for abuse of process of law while filing the public interest litigation, were laid down in the judgment reported at **(2013) 2 SCC 398, Kishore Samrite v. State of Uttar Pradesh and others**.

27. In the judgment reported at **(2013) 4 SCC 465, Ayaaubkhan Noorkhan Pathan v. State of Maharashtra and others**, the Supreme Court held that in a public interest litigation, the court must ensure that there is an element of genuine public interest is involved.

28. The instant writ petition has been filed by the petitioners claiming to be for the interest of persons seeking to travel by air in Jammu, Kashmir and Ladakh. For the reason that we find other reasons disentitling the petitioner to any relief, we refrain from accepting this preliminary objection.

Compliance of order dated 1st April, 2015 passed in WP (C) no. 26/2013 :

29. The Ministry of Civil Aviation has stated that in deference to the order of the Court dated 1st April, 2015 in WP (C) no. 20/2013, the Ministry considered the representation of the petitioner and by its communication No. 23-01/2015 -AED dated July, 2015, disposed of the same with the observation that in case the petitioner was not satisfied with the said order, he may file an appeal with the Secretary, Ministry of Civil Aviation as per Rule 3 (B) of Aircraft Rules, 1937.

30. Unfortunately, the petitioners did not even disclose passing of this order in the writ petition nor place it before us.

Availability of an alternate efficacious statutory remedy :

31. The petitioners were informed of the availability of the remedy of an appeal in terms of Rule 3 (B) of the Aircraft Rules, 1937 in the Ministry's order dated July, 2015, as above. The petitioners have not cared to file such appeal. The petitioners thus had available an efficacious remedy before an expert authority, who would have competence to look into the propriety of tariffs for air travel which has been complained of by the writ petitioners but have opted not to take recourse to such available statutory remedy.

Clearly the instant writ petition is not maintainable as the petitioners have available an efficacious alternative remedy.

Whether there is any prohibition with regard to fixation of fares by Airlines?

32. The petitioners have contended that airlines are arbitrarily fixing the prices of tickets without any justification and that the official respondents are bound to control the same.

33. The respondent No. 1 has also submitted that with the repeal of Aircraft Act, 1937 in March 1994, the statutory provisions whereby the Corporation could

determine and levy fare, freight rates and other charges for and in respect of the carriage of passengers and goods on transport services operated by an airline only with the previous approval of the Central Government, stands dispensed with. As such the Indian domestic aviation stands completely de-regulated. The respondent no. 1 has stated that airlines are free to induct capacity with any aircraft type, free to select whatever markets and network they wish to service and operate and are also free to fix fares.

34. It is further disclosed that neither the Director General of Civil Aviation-respondent No. 3 before us nor the Ministry of Civil Aviation-respondent no. 1 has issued any regulation specific to model or process to be followed by airlines in tariff fixation. The airlines are free to adopt any business model for their proper functioning including the tariff fixation process.

35. The petitioners have contended that there is exploitation by airlines as they arbitrarily raise the air fares. With regard to this objection, the Director General of Civil Aviation has stated that in order to identify the fare and conditions of travel on passenger tickets, airlines world over follow IATA Resolution 728 which contains information on various booking classes referred to as Reservation Booking Designator (RBD). The RBD is the code used in reservation transactions to identify the booking class. IATA Resolution 728 on code designator for passenger ticket defines types of different fare buckets referred to as Reservation Booking Designator (RBDS).


36. So far as differential pricing is concerned the domestic airline pricing runs in multiple bucket or RBDs which is in line with the practice followed globally. The lower fare in the fare bucket is available for advance booking effected much earlier. As time lapses and the date of journey approaches closer, the

fare on the higher side of the fare bucket is made available as per the respective airline policy.

Thus, the averment with regard to exploitation by arbitrarily raising air fare is vehemently denied.

37. Even otherwise, it is well settled that price fixation is not the function of the court and only a limited examination as to whether the authority fixing the prices had considered the relevant factors, can be conducted.

38. In this regard, we may usefully advert to the pronouncement of the Supreme Court reported at (1987) 2 SCC 720, *Union of India and another v. Cynamide India Ltd. And another etc.*, wherein the Supreme Court has laid down the scope of permissible inquiry by a court into the issues of price fixation in the following terms :



“7. The third observation we wish to make is, price fixation is more in the nature of a legislative activity than any other. It is true that, with the proliferation of delegated legislation, there is a tendency for the line between legislation and administration to vanish into an illusion. Administrative, quasi-judicial decisions tend to merge in legislative activity and, conversely, legislative activity tends to fade into and present an appearance of an administrative or quasi-judicial activity. Any attempt to draw a distinct line between legislative and administrative functions, it has been said, is 'difficult in theory and impossible in practice'. Though difficult, it is necessary that the line must sometimes be drawn as different legal fights and consequences may ensue. The distinction between the two has usually been expressed as 'one between the general and the particular'. 'A legislative act is the creation and promulgation of a general rule of conduct without reference to particular cases; an administrative act is the making and issue of a specific direction or the application of a general rule to a particular case in accordance with the requirements of policy'. 'Legislation is the process of formulating a general rule of conduct without reference to particular cases and usually operating in future; administration is the process of performing particular acts, of issuing particular orders or of making decisions which apply general rules to particular cases.' It has also been said "Rule making is normally directed toward the formulation of requirements having a general application to all members of a broadly identifiable class" while, "an adjudication, on the other hand, applies to specific individuals or situations". But, this is only a broad distinction, not necessarily always true. Administration and administrative adjudication may also be of

general application and there may be legislation of particular application only. That is not ruled out. Again, adjudication determines past and present facts and declares rights and liabilities while legislation indicates the future course of action. Adjudication is determinative of the past and the present while legislation is indicative of the future. The object of the rule, the reach of its application, the rights and obligations arising out of it, its intended effect on past, present and future events, its form, the manner of its promulgation are some factors which may help in drawing the line between legislative and non-legislative acts. A price fixation measure does not concern itself with the interests of an individual manufacturer or producer. It is generally in relation to a particular commodity or class of commodities or transactions. It is a direction of a general character, not directed against a particular situation. It is intended to operate in the future. It is conceived in the interests of the general consumer public. The right of the citizen to obtain essential articles at fair prices and the duty of the State to so provide them are transformed into the power of the State to fix prices and the obligation of the producer to charge no more than the price fixed. Viewed from whatever angle, the angle of general application the prospectivity of its effect, the public interest served, and the rights and obligations flowing there from, there can be no question that price fixation is ordinarily a legislative activity. Price-fixation may occasionally assume an administrative or quasi-judicial character when it relates to acquisition or requisition of goods or property from individuals and it becomes necessary to fix the price separately in relation to such individuals. Such situations may arise when the owner of property or goods is compelled to sell his property or goods to the Government or its nominee and the price to be paid is directed by the legislature to be determined according to the statutory guidelines laid down by it. In 855 such situations the determination of price may acquire a quasi-judicial character. Otherwise, price fixation is generally a legislative activity. We also wish to clear a misapprehension which appears to prevail in certain circles that price-fixation affects the manufacturer or producer primarily and therefore fairness requires that he be given an opportunity and that fair opportunity to the manufacturer or producer must be read into the procedure for price-fixation. We do not agree with the basic premise that price fixation primarily affects manufacturers and producers. Those who are most vitally affected are the consumer public. It is for their protection that price-fixation is resorted to and any increase in price affects them as seriously as any decrease does a manufacturer, if not more.”

39. 39. A challenge similar to that raised in the present case was considered by the Supreme Court in the judgment reported at (1974) 1 SCC 468, *Shree Meenakshi Mills Ltd. v. Union of India* in the following terms :

“9.....After referring to *Hari Shanker Bagla v. State of Madhya Pradesh*, [1955] 1 SCR 380; *Union of India v. Bhanamal Gulzarimal*,

[1960] 2 SCR 627; *Sri Krishna Rice Mills v. Joint Director (Food)*, (unreported); *State of Rajasthan v. Nathmal and Mithamal*, [1954] SCR 982; *Narendra Kumar v. Union of India*, [1960] 2 SCR 375; *Panipat Co-operative Sugar Mills v. Union of India*, [1973] 1 SCC 129; *Anakapalle Co-operative Agricultural & Industrial Society Ltd. v. Union of India*, [1973] 3 SCC 435 and *Premier Automobiles Ltd. v. Union of India*, [1972] 2 SCR 526 a constitution bench of the court observed that the dominant object and the purpose of the legislation was the equitable distribution and availability of commodities at fair price and if profit and the producer's return were to be kept in the forefront, it would result in losing sight of the object and the purpose of the legislation. If the prices of yarn or cloth were fixed in such a way to enable the manufacturer or producer recover his cost of production and secure a reasonable margin of profit, no aspect of infringement of any fundamental right could be said to arise. It was to be remembered that the mere fact that some of those were engaged in the industry, trade or commerce alleged' that they were incurring loss would not render the law stipulating the price unreasonable. It was observed,

"The control of prices may have effect either on maintaining or, increasing supply of or securing equitable distribution and availability at fair prices. The controlled price has to retain this equilibrium in the supply and demand of the commodity. The cost of production, a reasonable return to the producer of the commodity are to be taken into account. The producer must have an incentive to produce. The fair price must be fair not only from the point of view of the consumer but also from the point of view of the producer. In fixing the prices, a price line has to be held in order to give preference or pre-dominant consideration to the interest of the consumer or the general public over that of the producers in respect of essential commodities. The aspect of ensuring availability of the essential commodities to the consumer equitably and at fair price is the most important consideration.

The producer should not be driven out of his producing business. He may have to bear loss in the same way as he does when he suffers losses on account of economic forces operating in the business. If an essential commodity is in short supply or there is hoarding, concerning or there is unusual demand, there is abnormal increase in price. If price increases, it becomes injurious to the consumer. There is no justification that the producer should be given the benefit of price increase attributable to hoarding or cornering or artificial short supply. In such a case, if an "escalation" in price is contemplated at intervals, the object of controlled price may be stultified. The controlled price will enable both the consumer and the producer to tide over difficulties. therefore, any restriction in excess of what would be necessary in the interest of general public or to remedy the evil has to be very carefully considered

so that the producer does not perish and the consumer is not crippled."

40. The respondent no. 1 has also disclosed that the Competition Commission of India has passed an order in *Case 28 of 2015 Shri Udit Gupta [informant), Interglobe Aviation Limited (Opposite Party No.1) and Director General of Civil Aviation (Opposite Party No. 2)* that there was no case of contravention of the provisions of Section 4 of the Competition Act, 2002.

41. In this case, a challenge was laid with regard to the working of M/s. Interglobe Limited, which runs the Indigo Airlines, contending that it was imposing arbitrary, unfair and unreasonable conditions on the passengers.

42. The respondent No. 1 has also set out the details of the following passenger facilitation/tariff/protection of interest of stakeholders issued by the DGCA through Government of India, which includes the following :

"Civil Aviation Requirement, Section 3-Air Transport, Series M.

- i. *Part-1 Carriage by Air of Persons with Disability and/or Persons with Reduced Mobility.*
- ii. *Part-II. Refund of Airline tickets to passengers of public transport undertakings.*
- iii. *Part-IV. Facilities to be provided to passengers by airlines due to denied boarding cancellation of flights and delays in flights 4.*
- iv. *Part-V Facilitation in case of diversion.*

Air Transport Circulars

- a) *ATC 3 of 2015 – Unbundle of services and fees by scheduled airlines.*
- b) *ATC 01 of 2014 – Facilities/Courtesies to esteemed travelling public at airports.*
- c) *ATC 2 of 2010 – Publishing of Tariff – Rule 135 of Aircraft Rules, 1937 reg. 6. Rest of the averments are denied."*

43. Mr. Salathia, learned Senior Counsel appearing for the petitioners is unable to point out violation of any statutory provisions or any delegated

legislation or even of any binding circular by the Government or by the Director General of Civil Aviation.

44. We may also note that the petitioners are completely unable to point out any legal provision which empowers the Director General of Civil Aviation to have control over tariff on operators of air transport services. The Director General of Civil Aviation has no power on the economic regulations of civil aviation and air transport services, including the approval, disapproval or revision of tariff of air transport services.

45. The Director General of Civil Aviation has also pointed out that transparency in display of tariff established by the airlines, has been ensured vide Air Transport Circular No. 02 of 2010, which is being complied with by the Scheduled domestic airlines. So far as affordable air fare for persons living below poverty line is concerned, power to regulate in this regard has not been delegated to the Director General of Civil Aviation.

46. The Private Airlines have also rendered individual explanations justifying the pricing of the air tickets. It is stated by the Private Airlines that the price of the tickets are dependent on several factors including market conditions, seasonal patterns, air-traffic regulations, commercial viability, economic indicators and business decisions taken by the respective airline company from time to time with a view to sell its tickets in the market and gain optimum benefit.

47. In this regard, our attention has been drawn to sub rule (1) of Rule 135 of Aircraft Rules, 1937.

48. It is explained that as per the provisions of Rule 135 of the Aircraft Rules, 1937, air tariff is being determined by the airlines having regard to the relevant factors including market conditions, seasonal patterns, air-traffic regulations, commercial viability, economic indicators and business decisions

taken by the respective airlines company from time to time. The prices of the air tickets depend upon the date of travel, how much in advance the air ticket is booked and the number of seats available on a flight.

49. Fixation of the air fare depends on various factors such as:
- i) Fuel cost which is subject to variation;
 - ii) Present market conditions;
 - iii) Cost of operation and maintenance;
 - iv) Seasonal pattern and demand;
 - v) Govt. taxes and levies;
 - vi) Commercial viability examined keeping in mind the aforesaid factors thereby, accounting for some margins for reasonable profits for sustenance of the Airlines etc.

50. We find that sub rule (4) of Rule 135 of Aircraft Rules 1937 provides that if the Director General, Civil Aviation is satisfied that any Air Transport Undertaking has established excessive or predatory tariff under sub rule (1) or has indulged in oligopolistic practice, he shall, by an order, issue directions to such Air Transport Undertaking, which direction of Director General Civil Aviation are required to be complied with by the Air Transport Undertaking.

51. There is substance in the contention of the respondents that the petitioners have not made any specific allegation but have premised the writ petitions on newspaper reports and made vague and general submissions.

52. The petitioners have also not made any complaint to the Director General, Civil Aviation in accordance with Rule 135 of the Aircraft Rules, 1937 and have approached this Court without having taken recourse to the statutory remedy available to them.

53. It is trite that judicial review is not concerned with matters of economic policy or price fixation. It is not open to a writ court to supplant its views with

those taken by the private bodies over which, as herein, the private airlines whose actions are being challenged.

54. It is well settled that even if the writ petition is maintainable, this Court does not have the expertise or jurisdiction to undertake the exercise of price fixation.

55. As noted above, the writ petitions must therefore fail for several reasons. The petitioners had available an efficacious alternative remedy in the nature of the appeal to the Secretary, Ministry of Civil Aviation under Rule 3 (B) of Aircraft Rules, 1937, which the petitioners have failed to exhaust.

56. The petitioners also have the remedy under Rule 135 (4) of the Aircraft Rules, 1937 for making specific complaint to the Director General, Civil Aviation, which has not been done.

57. The respondents have explained the circumstances in which there is price fluctuation.

58. For all these reasons, we are of the view that the writ petitions are completely misconceived and are hereby dismissed.

(RAJESH BINDAL)
JUDGE

(GITA MITTAL)
CHIEF JUSTICE

Jammu
17.08.2020
Tilak.

Whether the order is speaking: Yes
Whether the order is reportable: Yes