

## **Air Charter Operations for Haj 2025: Pricing of Kozhikode (Calicut) Embarkation Point**

Pursuant to the order dated 06.03.2025 of the Hon'ble Supreme Court in WP (C) No. 190/2025 titles Abdussalam & Ors. Vs the Haj Committee of India & Ors. and WP (C) No. 191/2025 titles Mohammed Ali P.V. & Ors. Vs Union of India & Ors. (copy enclosed), the following is hereby stated:-

- i. The Air Charter Tender notice was published on 23.10.2024 and bids were invited from different air carriers.
- ii. A meeting of the Haj Air Travel Committee (HATC) and representatives of bidding airlines was convened on 27.11.2024 to open and consider the bids received in response to Air Charter tender notice. Six airlines participated in the bidding process, i.e., 3 from India namely, M/s Air India Express, M/s Indigo and M/s SpiceJet; and 3 from Saudi Arabia namely M/s Saudia, M/s Flyadeal and M/s Flynas. As decided bilaterally, only air carriers from Saudi Arabia and India can participate in the bidding.
- iii. On the basis of the financial bids submitted by different airlines, the lowest bidders were revealed Embarkation Point (EP) wise, and accordingly finalised.
- iv. As per the result of tendering process, the following was the distribution of pilgrims and EPs, airline wise, for Haj 2025:-

| <b>Airline</b>        | <b>Total embarkation points</b>            | <b>Total expected pilgrims</b> |
|-----------------------|--|--------------------------------|
| M/s Saudia            | 7 (including Cochin in Kerala)             | 77408                          |
| M/s SpiceJet          | 4  | 15358                          |
| M/s Flynas            | 2  | 14826                          |
| M/s Air India Express | 6 (including Calicut and Kannur in Kerala) | 13290                          |

- v. MoUs were signed with all selected airlines in the months of Jan-Feb 2025.
- vi. The bids for Air Charter are invited based on the number of pilgrims showing interest for different EPs. The price of each EP, thus, is discovered through a transparent bidding process. Therefore, different EPs will have different pricing depending on the market and commercial forces at work.
- vii. The airfare cost from any Embarkation Point depends on various factors which include inter- alia, location of EP, market dynamics, number of expected passengers, types of aircraft available with the bidding airline, infrastructure at the airport etc. Hence, the Government of India as such has no direct control in determining bids received as such and prices vary across various EPs
- viii. Moreover, when Haj Application process is initiated by Haj Committee of India for the prospective pilgrims, the cost of pilgrimage from various EPs during the previous year is duly circulated and shared publicly in the Haj Guidelines so as to help enable an informed choice. Prospective pilgrims, when they apply, are required to give two preferences of Embarkation Points in their order of priority, and accordingly the EPs are allocated to the respective pilgrims.

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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).190/2025

ABDUSSALAM &amp; ORS.

Petitioner(s)

VERSUS

THE HAJJ COMMITTEE OF INDIA &amp; ORS.

Respondent(s)

Item No.24

Writ Petition(s)(Civil) No(s).191/2025

Date : 06-03-2025 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. Shadan Farasat, Sr. Adv.  
Mr. Rizwan Ahmad, AOR  
Mr. Abdul Shukoor Mundambra, Adv.  
Mr. Shaikh Saipan Dastgir, Adv.  
Mr. Himashu Gupta, Adv.  
Mr. Abhishek Babbar, Adv.  
Mr. A Nowfal, Adv.  
Mr. Shereef K A, Adv.  
Mr. Waseem Akhtar Khan, Adv.

Mr. Arunabha Chowdhury, Sr. Adv.  
Mr. Haris Beeran, Adv.  
Mr. Azhar Assees, Adv.  
Mr. Anand B. Menon, Adv.  
Mr. Radha Shyam Jena, AOR

For Respondent(s) :Mr. K M Nataraj, A.S.G.  
Mr. Sharath Narayan Nambiar, Adv.  
Mr. Vinayak Sharma, Adv.  
Mr. Siddhant Kohli, Adv.  
Mr. Ajay Kumar Prajapati, Adv.  
Mr. Satvika Thakur, Adv.  
Mr. Advitiya Awasthi, Adv.  
Mr. Sudarshan Lamba, AOR

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

The petitioners in these two petitions have invoked writ jurisdiction of this Court under Article 32 of the Constitution of

India, questioning the airfare pricing for Hajj Pilgrims departing from Calicut embarkation point to Jeddah. Their precise grievance is that while the airfare of Rs.86,000/- and 87,000/- respectively is being charged from the pilgrims, who are travelling from Kochi and Kannur to Jeddah respectively, an exorbitant airfare of Rs.1,25,000/- (approximately) is being charged from those travelling from Calicut to Jeddah. It is pointed out that in terms of distance, while Kochi to Jeddah is 4170 kms., the distance from Calicut to Jeddah is 4086 kms. It is for these reason that the petitioners have alleged arbitrariness and violation of Article 14 of the Constitution of India in the matter of airfare pricing.

2. We have heard learned senior counsel for the petitioners. We have also taken assistance of Mr. K.M. Nataraj, learned Additional Solicitor General of India, who is present in Court. There is no dispute that the airfare has been fixed through the intervention of the Ministry of Minority Affairs, Government of India after undergoing the tender process. The fixation of airfare is relatable to viability of a route for the private airline. It being purely a commercial policy decision, it may not be prudent for this Court to express any opinion or substitute such policy decision. In fact, any intervention of this Court can be counter-productive in the event of refusal by any airline to fly on the agreed rates is likely to cause irreversible hardship to them.

3. Faced with this, learned senior counsel for the petitioners points out that a comprehensive representation has been submitted seeking intervention of Government of India, but their representation has not been considered so far. In this regard, we

have impressed upon Mr. K.M. Nataraj, learned ASG to instruct the Competent Authority to examine the representation and if it is found that the fare cannot be acceded to, let an overall brief reason be uploaded on the website of the concerned Ministry to enable the prospective visitors to know as to why airfare on Calicut to Jeddah route is higher than as compare to other routes in the State of Kerala. We would appreciate if the appropriate action in this regard is taken within a week.

4. The Writ Petitions are, accordingly, disposed of.

5. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)  
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)  
ASSISTANT REGISTRAR