

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6614 OF 2017

Sterling Fisheries Ive &
Cold Storage Services Pvt. Ltd.

...Petitioner

Versus

The Board of Trustees of The Port
of Mumbai & Ors.

...Respondents

Mr.Kunal Bhanage for the Petitioner.

Mr.Rahul Narichania, Senior Advocate a/w Ms.Ashwini Hariharan
i/by HSA Advocates for Respondent No.1.

CORAM : M. S. SONAK, J.

DATE : 03rd OCTOBER 2017

P.C.

1. Heard Mr.Kunal Bhanage for the petitioner and
Mr.Rahul Narichania, Senior Advocate for the respondents.

2. The challenge in this petition is to the impugned order
dated 06.06.2017 which reads thus :-

“The Petitioner representative Mr.D.V. Patil is present.

Petitioner Adv. Mr.Jadeja is present.

Advocate Mr.Ravi Joshi, representing R.No.1 is present.

*The matter was argued by Ad Mr.Ravi Joshi and
Petitioner Ad.Mr.Jadeja on compilation of judgment
presented today by the Adv. For Respondent No.1 and*

application dated 03-04-2017 by Respondent No.1.

The application of R.Adv. Mr.Ravi Joshi dated 03.04.2017 is not considered.

Accordingly, matter adjourned for cross examination to 21.06.2017 at 3.00 pm.

3. Mr.Kunal Bhanage, is right that this is not at all a satisfactory manner of dealing with the applications objecting to the jurisdiction. The Estate Officer, was required to at least give some reasons, if, the Estate Officer wanted overrule the objections raised. If the entire purpose was to defer the decision on the issue of preliminary objection as to jurisdiction, the least that was expected from the Estate Officer was, to say so.

4. Notwithstanding the aforesaid, the interests of justice will be served if it is clarified that the impugned order, should not be construed as rejection of the objection as to the jurisdiction raised by the petitioner. It is so clarified.

5. The Estate Officer to consider and dispose of the issue of jurisdiction, together with all other issues which arise in the matter, so that, there are no piecemeal challenges. With these directions and clarifications, there is no necessity to interfere with

the impugned order though, in future, it is expected that the Estate Officer deals with such applications with greater seriousness and clarity.

6. This petition is disposed of in the aforesaid terms. There shall be no order as to costs.

7. It is clarified that this Court had not adverted to the merits of the matter and therefore, all contentions of all parties are kept open.

8. All concerned to act upon authenticated copy of this order.

(M. S. SONAK, J.)