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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 2431 OF 2019

Swaraj Marine Services Pvt. Ltd.

... Petitioner

V/s.

Mercantile Marine Department, Mumbai and Ors.

... Respondents

.....
Mr. Prathamesh Kamat a/w Mr. Shiv Iyer and Mr. Osama Butt i/by
M/s. Ganesh & Co. for the Petitioner.

Mr. Rui A. Rodrigues a/w Mr. D. P. Singh for the Respondents.

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CORAM : R.D. DHANUKA, J.

DATE : 26th AUGUST, 2019.

P.C.:

. After hearing the matter for sometime, Mr. Rodrigues, learned Counsel for the respondents and Mr. Kamat, learned Counsel for the petitioner, the learned Counsel for the respondents has no objection for remanding the matter back to respondent no.2 for deciding the matter afresh. Statement is accepted. Impugned orders are accordingly set aside.

2. The respondent no.2 shall hear the authorized representative of the petitioner before passing a fresh order. The petitioner is permitted to remain present before the respondent no.2 on 29th August, 2019 and to produce the additional documents, if any, proposed to be relied upon by the petitioner. The respondent no.2 shall pass an order after considering the documents

which were earlier produced, if any, along with documents proposed to be produced at the time of hearing and oral arguments and pleadings and shall pass a fresh order in accordance with law, without being influenced by the observations made and the conclusion drawn in the impugned order.

3. The orders shall be passed by the respondent no.2 within one week from the date of conclusion of hearing and shall be conveyed to the petitioner. If any adverse order is passed against the petitioner, the same shall not be implemented for the period of one week from the date of communication of such order. It is also made clear that the respondents are not required to issue any fresh show cause notice.

4. It is made clear that if the petitioner commit any violation or breaches of conditions of license, the respondents would be at liberty to take appropriate action against the petitioner in accordance with the law.

5. Writ Petition (L) No. 2431 of 2019 is disposed off on aforesaid terms. The parties are directed to act on the authenticated copy of this Court. There shall be no order as to costs.

(R.D. DHANUKA, J.)