

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.507 of 2020
and CMP No.7451 of 2020

M/s Hindussthan Marine Engineering Works,
Represented by its Proprietor, N.S. Sidharthan,
No.1, Old Sical Plot, Fire Fighting Road,
Chennai Harbour,
Chennai - 600 009 ... Appellant /Petitioner

-vs-

1. The Chairman,
Chennai Port Trust,
Chennai - 600 001.
2. The Traffic Manager,
Chennai Port Trust,
Chennai - 600 001 ... Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 06.05.2020 in W.M.P.No.8921 of 2020 in W.P.No.7584 of 2020 on the file of this Court.

Prayer in WP.No.7584 of 2020: Call for the records of the second respondent in his impugned order bearing No.C4/Legal/WPs.2009/T dated 04/2020 and quash the same and directing the respondents to consider and pass appropriate orders on the representation of the Petitioner dated 30.03.2020 sent to the respondents Via email as per the guidelines duly issued by the Ministry of Shipping dated 31.03.2020 in the proceeding No. PD-14300/4/2020-9D VII within a time frame fixed.

For Appellant

: Mr.AR.L. Sundaresan
Senior Counsel for
Ms.AL. Ganthimathi

For Respondents

: Ms.Madhavi Donti Reddy

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

We have heard Mr.AR.L. Sundaresan, learned Senior Counsel for the appellant and Ms.Madhavi Donti Reddy, learned counsel appearing for Chennai Port Trust.

2. Challenge is raised to the condition imposed by the learned single Judge while granting the interim order to the appellant, whereby, the appellant has been directed to deposit the entire demand made by the respondents vide the impugned demand in the writ petition. Learned Senior Counsel submits that keeping in view the Notification issued by the Central Government dated 31.03.2020, the respondents cannot levy the charges as the same is in the shape of exemption or remission that cannot be avoided by the Port Trust.

3. The matter is still pending before the learned Single Judge and having heard learned counsel for the parties and having perused the nature of the demand raised, which is pending litigation, we find that the interim order deserves to be modified on the same terms as per the order passed in W.A.440 of 2020 dated 06.07.2020 and other connected matters in relation to realisation of rent and penal licence fee

4. We, therefore direct that the appellant will be liable to deposit only 50% of the penal licence fee subject to final orders in the writ petition.

5. The writ appeal is disposed of with the above direction. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr

To

1. The Chairman,
Chennai Port Trust,
Chennai - 600 001.
2. The Traffic Manager,
Chennai Port Trust,
Chennai - 600 001.

W.A.No.507 of 2020

PP (CO)
CB (28/07/2020)



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