

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 14.09.2020****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****WP(MD)No.10030 of 2020****and****WMP(MD)No.8957 & 8958 of 2020**

M/s.G.P.Global Energy Pvt. Ltd.,
Rep by its Authorised Signatory
J.Satheesh Kumar

... Petitioner

Vs.

1.The Government of India,
Rep.by its Secretary,
Ministry of Shipping,
Transport Bhawan,
No.1, Parliament Street,
New Delhi - 110 001.

2.The Director,
Ministry of Shipping,
Government of India,
Transport Bhawan,
No.1, Parliament Street,
New Delhi - 110 001.

3.The Director General of Shipping,
9th Floor, BETA Building,
I-Think Techno Campus,
Kanjur Village Road,
Kanjumarg (E), Mumbai - 400 042.

4.V.O.Chithambaranar Port Trust,
Rep.by its Chairman,
Tuticorin - 628 004.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned demand notice issued by the 4th respondent in Invoice No.20-21/0001/RDN, CFS No.20-21/0106/PYT CFS dated 04.05.2020, quash the same and directing the respondents 1 to 3 to extend the benefits of notification issued by the 2nd respondent in proceedings No.PD-
<https://hcservices3.ecourt.gov.in/hcservices/> VII, dated 21.04.2020 waiving penal charges, demurrage, detention charges, dwell time charges, anchorage charges, penal berth hire charges, performance related penalties etc., to the



petitioner till the lock down is completely lifted in the State of Tamil Nadu and consequently forbearing the 4th respondent from claiming the above charges from the petitioner.

For Petitioner : Mrs.Hema Sampath,
Senior Counsel for Mr.M.Saravanan
For R1 to R3 : Mr.P.Subbiah,
Senior Central Government Standing Counsel
For R4 : Mr.V.R.Shanmuganathan

ORDER

Heard the learned Senior Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

2.The petitioner is an importer of goods. The petitioner challenges the impugned demand whereby he had been directed to pay rental charges at Rs.69,850/-. The learned Senior Counsel would contend that the demand that was generated on 02.04.2020 is illegal as it is clearly violative of the relief measures announced by the Ministry as well as the Directorate General of Shipping vide DGS Order No.11 of 2020 dated 22.04.2020. The petitioner also seeks a few other reliefs.

3.I am not in a position to endorse the contention of the learned Senior counsel. As rightly pointed out by the learned standing counsel for the respondents, the order dated 21.04.2020 issued by the Ministry of Shipping states that the ports shall allow deferment of rental charges for the months of April, May and June. Exemption from levy for the relief period had been granted only in respect of the penal charges, demurrages etc., Therefore, at best the petitioner can only call upon the fourth respondent to defer enforcement of this demand. As regards the relief sought for on other heads, the issue had already been dealt with by me vide order dated 14.09.2020 in WP(MD)No.6818 of 2020. The case of the petitioner herein will be dealt with by the fourth respondent on the same lines.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

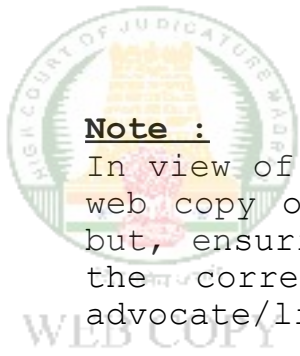
Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

**Note :**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary, Ministry of Shipping,
Transport Bhawan,
No.1, Parliament Street,
New Delhi - 110 001.
- 2.The Director, Ministry of Shipping,
Government of India, Transport Bhawan,
No.1, Parliament Street,
New Delhi - 110 001.
- 3.The Director General of Shipping,
9th Floor, BETA Building,
I-Think Techno Campus,
Kanjur Village Road,
Kanjumarg (E), Mumbai - 400 042.
- 4.The Chairman,
V.O.Chithambaranar Port Trust,
Rep.by its Chairman,
Tuticorin - 628 004.

WP (MD) No.10030 of 2020
and
WMP (MD) No.8957 & 8958 of 2020

14.09.2020

CS(14.09.2020) 3P 5C