

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-CW-40-2022 (O&M)
in CWP-11665-2021
Date of Decision:03.05.2024

M/S. SAI SANITATION THROUGH PARTNER NIRMAL GUPTA

.....Petitioner

V/s.

UNION OF INDIA AND OTHERS

.....Respondents

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**
HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ashish Chopra, Senior Advocate, assisted by
Mr. Vaibhav Narang, Advocate and
Mr. Devansh Khanna, Advocate
for the Review Applicant-respondent No.5.

Mr. Sandeep Goyal, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. This Review Application is filed by respondent No.5 seeking review of order dated 10.09.2021 passed by this Court in CWP-11665-2021.

2. It is an admitted position that notices in the Writ Petition were served on respondent No 5, who did not choose to appear in this case and *ex-parte* proceedings were initiated by this Court against it vide order dated 19.08.2021. Thereafter on 10.09.2021, this Court went on to decide the Writ Petition finally.

3. Learned senior counsel appearing on behalf of the review applicant-respondent No.5 submits that the review-applicant is a Shipping Company and is not governed by the Handling of Cargo in Customs Area Regulations, 2009 on account of Container Detention Charges.

4. We find that while passing the judgment on 10.09.2021, this Court had observed as under:-

“XXXXX
XXXXX

Counsel for the petitioner states that the goods can be released today and the petitioner will submit a bond for recovery of "Container Detention Charges" to deposit the demurrage if found due at a later stage.

Counsel for respondents No.1 to 4 has fairly accepted this suggestion.

In the circumstances, the goods may be released by the respondents subject to the action which the respondents may take against the provider under the above-mentioned regulation.

Petition stands allowed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.”

5. Keeping in view the above, the contentions raised by the learned senior counsel for the review-applicant are not required to be re-examined. The Review Application is misconceived and the same is dismissed accordingly.

6. All pending applications shall also stand disposed of.

[SANJEEV PRAKASH SHARMA]
JUDGE

[ALKA SARIN]
JUDGE

May 3, 2024
Ess Kay

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No