



vinita

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO.632 OF 2024**

SHREE POOSHP HANS CHEMICALS REP.  
BY DAMODAR DIVKAR

... PETITIONER

Versus

THE ASSISTANT COMMISSIONER OF  
CUSTOMS (CCSP CELL)

... RESPONDENT

Mr Sahish Mahambrey, Advocate for the Petitioner.  
Ms Asha Desai, Senior Standing Counsel for the Respondent.

**CORAM:- BHARATI DANGRE &  
NIVEDITA P. MEHTA, JJ.**

**DATED :- 26th March, 2025**

P.C.

The petitioner is aggrieved by the refusal of NOC by the Assistant Commissioner, Customs House, Mormugao Harbour, Goa, for disposal of sludge/oil water/Hazereded waste/waste oil/Bilge water/used oil. The petitioner received authorization for occupier/operator Handling Hazardeous Waste from Goa State Pollution Control Board and on obtaining requisite approval from Mormugao Port Authority for reception hazarded water/sludge oi/waste oil/bilged water etc from the ships at Mormugao Port Authority, it approved the respondent seeking issuance of NOC under the Handling of Cargo in Customs Areas Regulations 2009(HCCAR) for commencement of operations.

2. This application received a rejection at the hands of the respondent by stating thus:-

"t is to inform that upon scrutiny of the said application and the firm details, certain adverse cases against the firm have been noticed.

In view of the above, your request for Registration for Hazardous Waste Oil/waste oil/bilge water/used oil from ships in Marmagoa Port has been rejected."

3. The respondent has filed a detailed affidavit in reply wherein reference is made to the four past incidents in paragraph nos.18, two of them having resulted into revocation of NOC granted by Customs Division. A serious accusation has been made wherein a case was registered in Mumbai Customs of outright smuggling import for discharge of waste oil without proper permission and non-adherence to the procedure laid down by Mumbai Port Authority.

4. It is a trite position in law that what is not indicated in the order is not permitted by filing an affidavit. In our conclusion, we are guided by the decision of the Apex Court in Mohinder Singh Gill and another Vs. The Chief Election Commissioner, New Delhi, 1978(1) SCC 405. Since the impugned order merely states that the application is rejected on account of the past record of the petitioner, we deem it appropriate to set aside the impugned order by affording an opportunity of hearing to the petitioner and considering the material available against him by following principles of natural justice, an appropriate order shall be passed.

5. Writ Petition stands allowed in the aforesaid terms. Aforesaid

exercise shall be carried out within a period of four weeks.

**NIVEDITA P. MEHTA, J.**

**BHARATI DANGRE, J.**