

Kavita S.J.

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

WRIT PETITION NO.5018 OF 2024

Express Newspapers Private Limited & Anr., ...Petitioners

Versus

The Board of Trustees of the Port of Bombay & ...Respondents
Ors.,

Dharam Jumani a/w Meenakshi Dhanuka – Rungta & Mr. Nihar
Chitale for the Petitioner.

Ms. Heenal Wadhwa i/b The Law Point for Respondent No.1.

Ms. Sheetal Malvankar, AGP for Respondent No.3.

CORAM : R.I. CHAGLA, J.

DATED : 21st JANUARY, 2025.

ORDER :

1. The challenge in this Petition is to an Order dated 5th
October, 2023 passed by the Estate Officer, Mumbai Port Authority in
Case No.EO/E(183) of 2015.

2. The grievance of the Petitioners is that the impugned
order is vitiated by non-adherence to the principles of natural justice,
which includes opportunity of being heard and permitting cross-
examination in an appropriate manner.

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3. The learned Counsel for Respondent No.1 contests and asserts that principles of natural justice were adhered to.

4. The learned Counsel appearing for the Petitioners has submitted that the Petitioners had appeared before the Estate Officer, prior to the onset of Covid-19 in March 2020. Thereafter, no notice was given to the Petitioners by the Estate Officer and the impugned order dated 5th October, 2023 was passed by the Estate Officer, Mumbai Port Authority. He has submitted that in the impugned order there is no reference to any notice having been issued by the Estate Officer for further hearing in the matter and by cryptic order, the Petitioner has been directed to pay a sum of Rs.91,41,62,785 and Paise 41 only.

5. Having heard the submissions, Respondent No.1 has accepted that the principle of natural justice would apply to the adjudicating of dispute by the Estate Officer, Mumbai Port Authority. The impugned order is in my view a cryptic order and does not take into account the submissions of the Petitioner and/or does not mention that notice had been issued to the Petitioners after the onset of Covid-19 in March, 2020 for further hearing of the matter which culminated with the passing of the impugned order.

6. Accordingly, the matter is required to be remanded back to the Estate Officer, Mumbai Port Authority for *de novo* adjudication in the time bound matter. The Petitioner shall give full co-operation without seeking any adjournment.

7. The Estate Officer, Mumbai Port Authority shall complete the proceedings in accordance with law and in conformity of principles of natural justice and pass final order within a period of six months from today.

8. It is made clear that the direction to pass the final order within six months is based on the parties actively engaging in the proceedings and ensuring an expeditious disposal. Should any statements or material be relied upon or be relevant for the adjudication of the issues involved, the same shall be provided by the Mumbai Port Authority to the Petitioners and should the Petitioners seek cross examination of any person, it should provide a list of such persons reasonably in advance to the Mumbai Port Authority so as to be able to schedule an effective adjudication of the matter.

9. Consequently, nothing survives in the Writ Petition. The Writ Petition is disposed of in the aforesaid terms.

[R.I. CHAGLA, J.]