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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WA No. 2033 of 2023

AND

CMP No.17280 OF 2023 & CMP No. 17275 OF 2023

1. The Chennai Port Authority Rep by its
Chairman, 1 Rajaji Salai, Chennai 1
2. The Deputy Chairperson, Chennai Port
Authority, 1 Rajaji Salai, Chennai 1
3. Senior Deputy Chief Accounts Officer
(Revenue) Chennai Port Authority, 1 Rajaji
Salai, Chennai 1
4. Financial Advisor and Chief Accounts
Officer, Chennai Port Authority, 1, Rajaji Salai,
Chennai 1

..Appellant(s)

Vs

1. The Great Eastern Shipping Company
Ltd Ocean House, 134A, Dr. Annie Besant
Road, Worli, Mumbai 400 018 rep by its
Company Secretary Mr. Jayesh, Trivedi
2. Union Of India through Secretary, Ministry of
Shipping, Transport Bhavan, New Delhi 110
001

..Respondent(s)

WA No. 2033 of 2023

To set aside the Judgment dated 22.03.2022 made in
WP.No.34100 of 2014.

WA No. 2033 of 2023

For Appellant(s): Mr. Krishna Ravindran

For Respondent(s): Mr. Karthik Sundaram for R1.

**J U D G M E N T****(Judgment of the Court was delivered by S.M.Subramaniam J.)**

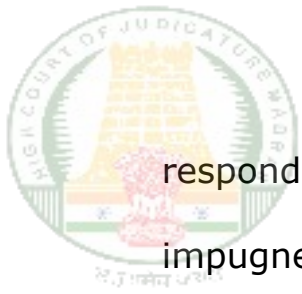
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The Chennai Port Authority is the appellant, challenging the writ order dated 22.03.2022 passed in W.P.No.34100 of 2014.

2. The 1st respondent instituted a writ proceedings challenging the demand dated 16.12.2014 to pay cargo related charges for the Vessel "Jag Roopa" arrived at Chennai Port. Perusal of the said demand would show that no details regarding the Cargo related charges are made available and it is a routine demand issued regarding cargo related charges to be recovered on the Vessel arriving at Chennai Port.

3. Learned counsel for the appellant would mainly contend that Chennai Port is entitled to levy wharfage on vessels calling on the Port which were declared "Cargo" in the IGM and EGM forms submitted before the Customs authorities. Similar wharfage charges on various vessels had already been issued and the charges being permissible under the rules, the writ order, quashing the demand is not in consonance with the statute and the rules in force.

4. Learned counsel for the 1st respondent would oppose by stating that jurisdiction point has been raised by the 1st



respondent/writ petitioner. An improper authority issued the impugned demand notice dated 16.12.2014. Recovery of Wharfage charges is not contemplated and as per the clarification of the tariff authority, no such charges is leviable on the Vessel arriving to Chennai Port.

5. This Court heard the parties to the lis.

6. Ordinarily, no writ against demand is entertainable under Article 226 of the Constitution of India. In the present case, the demand dated 16.12.2014 is all about payment of cargo related charges on the vessel "Jag Roopa" arrived at Chennai Port. Thus, it is a routine demand issued for recovery of cargo related charges on the Vessel by the Chennai Port Trust. In the absence of any adjudication with reference to the documents and facts, it would be unnecessary for the High Court to decide the disputed facts involved. No doubt, the 1st respondent has raised the jurisdictional point. However, it is mixed question of fact and law which require an adjudication based on documents and evidences available on record. In the event of entering into an adjudication in a writ proceedings or conduct roving enquiry, there is a possibility of miscarriage of justice. Therefore, the High Court in exercise of



power under judicial review under Article 226 cannot decide the disputed facts of this nature which requires adjudication from the hands of the competent authority.

7. It is brought to the notice of this Court that an Adjudicatory Board has been constituted under the Major Ports Authorities Act, 2021. Section 54 of the Act is about constitution of Adjudicatory Board. Section 58 contemplates powers and functions of Adjudicatory Board. The Adjudicatory Board is competent to adjudicate the issues relating to tariff. Therefore, the 1st respondent has to exhaust the statutory remedy contemplated under the Act.

8. The Adjudicatory Board consists of persons with expertise on the field and therefore, the adjudicatory process and the decision taken by the Board would be of greater assistance to the High Court to exercise the powers of judicial review in the event of preferring a writ petition. That is the reason why the constitutional Court time and again emphasis that the alternative remedy contemplated under the statute are to be exhausted before approaching the writ court under Article 226 of India. Adjudication of facts on mixed question of law and facts are required for exercise of powers of judicial review in an effective manner.



9. In the present case, the impugned order under challenge in the writ proceedings is a demand made relating to collection of cargo related charges on the Vessel. Thus, certain facts are to be adjudicated and documents are to be scrutinised. Such an exercise cannot be undertaken by the Writ Court.

10. The Adjudicatory Board is empowered to adjudicate all the factual as well as legal grounds raised between the parties including the jurisdictional point raised by the 1st respondent in the present case.

11. Considering the fact that it is only a demand notice in original issued to the 1st respondent which is under challenge in the writ proceedings, the 1st respondent has to submit their reply along with the documents, if any, to the competent authority who issued the demand, who in turn, is empowered to conduct an enquiry and pass appropriate orders. If the decision taken by the authority is unacceptable to the 1st respondent, they are at liberty to approach the Adjudicatory Board for further adjudication on the issues involved.



12. Accordingly, the impugned writ order dated 22.03.2022 in W.P.No.34100 of 2014 is set aside. The 1st respondent is at liberty to submit their reply along with the documents, if any, within a period of 15 days from the date of receipt of a copy of this order. Thereafter, the 1st appellant shall take a decision on merits and if the 1st respondent is aggrieved, it may prefer an appeal before the appropriate authority or before the Board as the case may be.

13. With the aforesaid observations, the Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (C.K.,J.)
20-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI

To

1. Mr. Jayesh, Trivedi, Company Secretary,
The Great Eastern Shipping Company Ltd Ocean House, 134A, Dr. Annie Besant Road, Worli, Mumbai 400 018
2. The Secretary, Union Of India, Ministry of Shipping, Transport Bhavan,
New Delhi 110 001



WEB COPY

WA No. 2033 of 2



**S.M.SUBRAMANIAM J.
AND
C.KUMARAPPAN J.**

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