

*IN THE HIGH COURT OF BOMBAY AT GOA*

**LD-VC-OCW-150-2020**

**In**

**WP-1050-2019**

Adani Mormugao Port Terminal Pvt. Ltd.

**...Petitioner.**

*Versus*

Union of India & Ors.

**.... Respondents.**

Mr. Vikram Nankani, Senior Advocate with Mr. Madhu Baya and Mr. H. D. Naik and Advocates for the Petitioner.

Mr. Raviraj Chodankar, Central Government Standing Counsel for Respondent No.1.

Mr. Manish Salkar, Advocate for Respondent No.3.

Mr. Y. V. Nadkarni, Advocate for Respondent No.4.

**Coram : M. S. SONAK &  
M. S. JAWALKAR, JJ.**

**Date : 7<sup>th</sup> October, 2020**

**P.C.**

Heard Mr. Vikram Nankani, Senior Advocate with Mr. Madhur Baya and Mr. H. D. Naik, learned Advocates for the Petitioner. Mr. Raviraj Chodankar, learned Central Government Standing Counsel appears for Respondent No.1, Mr. M. Salkar, learned Advocate appears for Respondent No.3 and Mr. Y. V. Nadkarni, learned Counsel appears for Respondent No.4.

2. On 05.02.2020, in a petition filed by this very petitioner, we had made the following Order:

*“ORAL ORDER :*

*Heard Shri Vikram Nankani, the learned Senior Counsel, who appears along with Shri H.D. Naik and Ms. Arundathi Sathaye, the learned Counsel for the petitioner; Shri M. Salkar, the learned Counsel for the respondent no.3 and Shri Y.V. Nadkarni, the learned Counsel for the respondent no.4.*

*2. Shri Nankani, the learned Counsel for the petitioner points out that on 13/12/2019, the Tariff Authority for Major Ports (respondent no.3, herein) has already issued a notice to the Chairman of the Mormugao Port Trust (respondent no.4), in relation to the application made by the petitioner dated 30/10/2019, concerning tariff fixation for development of coal handling terminal at berth no.7 of Mormugao Port, Goa. He submits that the petitioner, at this stage, will be satisfied if some directions are issued to both respondents no.3 & 4 to expedite the resolution of the issues raised by the petitioner.*

*3. Shri Y.V. Nadkarni, the learned Counsel for respondent no.4, on the basis of instructions, states that response will be filed to the notice dated 13/12/2019, which was received by respondent no.4 only on 23/12/2019, within a period of eight weeks from today at the maximum.*

*4. Shri Salkar, the learned Counsel for respondent no.3, again on instructions, states that the Tariff Authority for Major Ports will expedite the matter and dispose of the application made by the petitioner in accordance with law and on its own merits.*

*5. According to us, this substantially redresses the grievance raised by the petitioner at the present stage. Accordingly, we dispose of this petition by accepting*

*the aforesaid statements. We clarify that we have not adverted, even remotely, into the merits of the issues raised and, therefore, all contentions of parties are left open for determination by the Tariff Authority for Major Ports (respondent no.3).*

*6. The petition is disposed of in the aforesaid terms.”*

2. There has been some delay in adhering to the timeline set out by us. Mr. Nadkarni, learned Counsel for MPT submits that this application was served upon him only in the late evening and therefore, he was in no position to state whether there was any delay on the part of MPT. Mr. Salkar, learned Counsel for respondent No.3 states that the time set for the respondent No.3 to dispose of the application was only after receipt of response from the respondent No.4, which has since been received. In these circumstances, it is not necessary to raise the issue as to which party was responsible for the delay.

3. Mr. Nankani has also fairly accepted that on account of the current pandemic situation, the petitioners raise no issue on the aspect of delay. He, however, submits that at least now, respondent no.3, can expeditiously dispose of their representation in terms of our earlier order dated 05.02.2020. Since in our order dated 05.02.2020, we had indicated timelines, in terms of which, the respondent No.3 was required to dispose of the representation expeditiously, we feel that the representation should now be disposed of latest by end of

November, 2020.

4. Accordingly, we direct the respondent No.3 to dispose of the representation as expeditiously as possible and, in any case, on or before 30<sup>th</sup> November, 2020. The respondent No.3 to communicate its decision to all the concerned parties.

4. This application is disposed of in the aforesaid terms.

5. All concerned to act on the basis of authenticated copy of this Order.

***M. S. JAWALKAR, J.***

***M. S. SONAK, J.***

mst