

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 264 OF 2020

Indus Petrochem Ltd.

..... Petitioner

*V e r s u s*

The Mormugao Port Trust & Ors.

..... Respondents

Mr. S. S. Kantak, Senior Advocate with Mr. A. Gosavi and Mr. Athnain Naik, Advocates for the Petitioners.

Mr. Y. V. Nadkarni, Advocate for the Respondent no. 1.

Mr. D. Pangam, Advocate General with Ms. Maria Corriea, Additional Government Advocate for the Respondent nos.3 and 4.

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

Date : 7<sup>th</sup> December, 2020

P.C.

1. Heard Mr. S. S. Kantak, learned Senior Counsel for the petitioners and Mr. Y. V. Nadkarni, learned Counsel for the Respondent no.1.

2. The petitioners had made a representation dated 31.07.2020 (page 106 of the paper book) to the respondent no.1, seeking some

waiver/suspension/deferment of rentals in terms of the contract between the parties. The representation was disposed off on 05.08.2020 but we find that such disposal is bereft of any reasons and, therefore, *prima faice*, indicative of its non-consideration.

3. The petitioners in pursuance of orders made by this Court, have deposited an amount of ₹50 lakhs in this Court in order to indicate their bonafides in the matter. The respondent no.1 is permitted to withdraw this amount, no doubt, without prejudice to the rights and contentions of all the parties and subject to the issue of entrustment towards the outstanding rentals, if any.

4. Mr. Nadkarni, the learned Counsel, on instructions, states that the representation of the petitioners dated 31.07.2020 will now be considered afresh and disposed of as expeditiously as possible and, in any case, within a period of two weeks from today. In case the petitioners desire some representative of the petitioner will also be offered an audience by the

competent authority in order to understand the nature of grievances spelt out by the petitioners in its representation dated 31.07.2020.

5. Mr Nadkarni, learned Counsel, states that a representative of the petitioner is free to attend the office of the Chief Engineer of the respondent no.1 on 09.12.2020 at 11.00 a.m. in order to clarify the issues raised in its representation dated 31.07.2020.

6. Mr. S. S. Kantak, the learned Senior Advocate, states that the petitioners will not insist upon any separate notice in this regard.

7. The representation shall be disposed off by the competent authority on its own merits and in accordance with law without being influenced with the earlier rejection dated 05.08.2020. The competent authority is expected to not only consider the petitioners' representation in accordance with law and on its own merits but also communicate the reasons for the decision which it ultimately arrives at to the petitioners.

8. This petition is disposed off in the aforesaid terms.

**9.** There shall be no order as to costs.

**10.** All concerned to act on the basis of an authenticated copy of this order.

M. S. JAWALKAR, J.

M. S. SONAK, J.

arp/\*