

Kutch Shipping Agency P. Ltd

v.

Board Of Trustees, Kandla Port Trust

(Supreme Court Of India)

HON'BLE JUSTICE M. B. SHAH HON'BLE JUSTICE R. P. SETHI

Special Leave to Petition (Civil) No. 12754 Of 2000 | 24-07-2001

Heard learned Counsel for the parties.

2. Leave granted.

3. Appellant is a container operator providing containers for the purpose of facilitating export or import of goods. Appellant filed writ petition before the High Court of Gujarat seeking directions requiring Kandla Port Trust to release the containers which landed at the Kandla Port on 15-3-1996 without insisting for payment of ground rent from the petitioner. That petition was rejected by the learned Single Judge by observing that Section 62(1) of The Major Port Trust Act, 1963 cannot be construed so as to mean that the Port is duty bound to auction goods as provided therein or within the period stated therein. Letters Patent Appeal was also dismissed. Hence, this appeal.

4. Admitted position at present is that goods from the containers in question are destuffed and some goods are auctioned. It has been pointed out that on 1st October, 1996 consignees of the Cargo, contained in Container Nos. 1-8 issued a letter abandoning their cargo. Further on 11th December, 1997 appellant handed over Container Nos. 10 to 13 to the respondent authority for the purpose of auction of the cargo. Thereafter, on 10th March, 1998 container No. 9 was handed over by the appellant to the respondent for auctioning the cargo.

5. As provided under Sections 61 and 62 of The Major Port Trust Act, 1963 along with the order passed by the Tariff Authority for Major Ports on 19th July, 2000 clarifying the issues. Port Trust authorities are required to act diligently and within reasonable time. Considering the facts stated above, it is

ordered that respondent shall recover storage charges for container Nos.1-8 up to 1st October, 1996 and for the other containers up to the date when the said containers were handed over to the port trust for auction of the goods.

Respondent - authority to issue bills for the said amount without claiming any interest over the same within two weeks from today and on receipt of the said bills the appellant will pay the same within 15 days. Within seven days, thereafter, respondent would deliver the possession of the containers in question to the appellant.

6.Appeal stands disposed of accordingly with no order as to costs.