
(1990) 12 BOM CK 0032

In the Bombay High Court

Case No : Writ Petition No. 3765 of 1990

Forbes Forbes Campbell and Co. Ltd.

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 19-12-1990

Acts Referred:

Citation : (1991) 36 ECR 398 : (1993) 63 ELT 23

Hon'ble Judges : T.D. Sugla, J;S.P. Bharucha, J

Bench : Division Bench

Advocate : Shri D.C. Gomes, for the Appellant; Shri K.R. Bulchandani, for the Respondent

Judgement

Bharucha, J.—Rule, returnable forthwith.

Mr. Bulchandani waives service on behalf of the respondents.

Heard.

The petitioners are shipping agents for foreign shipowners in Bombay. In the month of October 1990 they have been served by the respondents with 93 show-cause notices. These show-cause notices pertain to about as many vessels which discharged cargo at Bombay between the years 1982 to 1989. The show-cause notices state that the relevant outturn reports of the Bombay Port Trust indicate shortlanding. A satisfactory explanation is called for within 15 days from the date of receipt of the notice, failing which the matter would be decided without further reference to the petitioners. The petitioners applied for extension of the period of two weeks. They pointed out that they had received a large number of notices within a short period covering vessels which had touched Bombay between 1982 and 1989. Below the application they were given the extension of one month and it is their allegation, made in the petition, that this endorsement in regard to the extension was made by a clerk in the relevant department of the respondents.

2. Mr. Bulchandani, learned counsel for the respondents, has, very properly,

stated that the Court should give to the petitioners such time as, in the circumstances, it may deem fit. He has also very properly, stated that he had no instructions in regard to the allegation that the extension of one month had been given by a clerk.

3. To reply to 93 notices covering about as many vessels which had touched Bombay over a period of the last 8 years would certainly require the petitioners to carry out a fair amount of investigation into records. It is, therefore, appropriate to grant them six months from today to reply to the 93 show-cause notices listed in Ex. A to the petition. The respondents shall consider the replies and then pass speaking orders, having regard also to the law, which includes this Court's judgments in regard to shortlanding founded only on outturn reports of the Bombay Port Trust.

4. Rule absolute accordingly.