

(2011) 05 SC CK 0028

In the Supreme Court Of India

Case No : I.A. No. 58 in Writ Petition (C) No. 657 of 1995

Research Foundn. for Science

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 25-05-2011

Acts Referred:

Gujarat Maritime Board Act, 1981 — Section 110, 37, 38, 39, 41

Citation : (2011) 6 SCALE 443

Hon'ble Judges : G.S. Singhvi, J; Chandramauli Kr. Prasad, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. In this application filed by Ship Recycling Association (India), prayer has been made to restrain the Gujarat Maritime Board (for short, 'the Board') from auctioning the four vacant plots measuring 120 square meters at Alang Ship-Recycling Yard and to direct the Board to amalgamate and/or convert the existing smaller plots measuring 30 square meters into bigger plots before auctioning the four vacant plots.

2. While, learned Counsel for the applicant heavily relied upon the recommendations made by the Standing Monitoring Committee on Ship Breaking Yard at Alang which is said to have recommended for merger of the available plots with the smaller plots, learned Counsel representing the Board submitted that in view of the provisions contained in the Gujarat Maritime Board Act, 1981 (for short, "the Act"), the Gujarat Maritime Board (Conditions and Procedures for Granting Permission for Utilising Ship Recycling Plots) Regulations, 2006 (for short, "the Regulations") and the policy framed by the Board for amalgamation/merger of the existing plots, the smaller plots on which the members of the applicant association are carrying their operations, cannot be merged with the four plots proposed to be auctioned. Learned Counsel also produced site map to show that the plots proposed to be auctioned are far away from the 30 square meters plots and argued that the same cannot be amalgamated or merged with

the smaller plots.

3. We have considered the respective submissions and carefully perused the documents on which reliance has been placed by learned Counsel for the parties. We have also gone through the provisions of the Act and the Regulations as also the guidelines framed by the Board for amalgamation of the plots.

4. In our view, the prayer made by the applicant is thoroughly misconceived and there is no valid ground, much less, justification for restraining the Board from auctioning the four plots or for issue of a direction for conversion of the existing smaller plots into bigger plots by adding portions of the four plots with the smaller plots. Although, there is some dispute between the parties about the exact distance between the smaller plots on which members of the applicant association are carrying their operations, they are ad idem that two kinds of plots are situated at some distance. The Regulations framed by the Board in exercise of the power conferred upon it under Sections 37, 38, 39, 41 and 110 of the Act and Clause-A of the guidelines do not permit for amalgamation of the plots by shifting the existing plots to another plot location. The guidelines also prohibit amalgamation of two working plots. In terms of Sub-clause (2) of Clause-A, the vacant plot located in between two working plots having 30 square meters width can be offered to both adjoining plot holders in equal measure. However, there is no provision for amalgamation of larger plots with the smaller plots irrespective of the distance between two plots. Therefore, there is no warrant for staying the auction of the four plots measuring 120 square meters or for issue of a direction to the Board to merge portions of the bigger plots with the smaller plots.

5. In the result, the application is dismissed.