

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 776 OF 2020

SEABIRD MARINE SERVICES PVT. LTD. PETITIONER(S)

VERSUS

GOLDENARCH CONSUMER ELECTRONICS
PVT. LTD. & ORS. RESPONDENT(S)

WITH

TRANSFER PETITION (C) NOS. 843-847 OF 2020

WITH

TRANSFER PETITION (C) NO. 785 OF 2020

WITH

TRANSFER PETITION (C) NO. 798 OF 2020

O R D E R

Heard the learned counsel appearing for the parties.

I have perused the transfer order dated 09.07.2020 passed by this Court in W.P.(C) No. 487 of 2020, whereunder, the three-Judge Bench of this court noted the points under consideration by the Delhi High Court in the W.P. (C) No. 3029/2020 and accordingly, the concerned two Writ Petitions were transferred for adjudication by the Delhi High Court.

The Circulars dated 31.03.2020 and 21.04.2020 issued by the Ministry of Shipping to the major

ports, relating to Exemptions/Remission of Penalties are also seen. The advisory issued by the Ministry on 29.03.2020 on non-charging of container detention charges on import and export shipment, has also been noted.

The prayers made in Writ Petition(C) No. 12256 of 2020 filed before the Kerala High Court shows that same relates to the Ministry's circulars dated 21.04.2020 and the DGS subsequent circular dated 22.04.2020.

Having considered the above and also the continuation of proceedings before the Delhi High Court, I deem it appropriate to allow these Transfer Petitions. Consequently, the following cases are ordered to be transferred for analogous adjudication, together with the cases already transferred by this Court on 09.07.2020, to the Delhi High Court :-

(1) WP-OSDB-LD-VC-NO.7 of 2020 titled as "Goldenarch Consumer Electronics Pvt. Ltd. Vs. Union of India & Ors." pending in the High Court of Judicature at Bombay.

(2) Writ Petition Nos. 11958 of 2020, 12256 of 2020 and 12066 of 2020 pending in the High Court

of Kerala, Writ Petition No. 10682 of 2020 pending in the High Court of Judicature at Bombay and Writ Petition No. 8865 of 2020 pending in the High Court of Judicature at Madras.

(3) Special Civil Application No. 7309 of 2020 titled as "A.G. India Retail Pvt. Ltd. Vs. Union of India & Ors." pending in the High Court of Gujarat at Ahmedabad.

(4) Special Civil Application No. 7083 of 2020 titled as "M/s Singhvi Tradelink LLP & Anr. Vs. Union of India & Ors." pending in the High Court of Gujarat at Ahmedabad.

The Transfer Petitions are allowed with the above order.

Since the next date fixed before the Delhi High Court is 25.09.2020, the Registry is directed to communicate this order to all concerned, for transfer of the case records.

.....J.
[HRISHIKESH ROY]

New Delhi;
SEPTEMBER 14, 2020.

ITEM NO.7 Court 8 (Video Conferencing) SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transfer Petition(s)(Civil) No(s). 776/2020

SEABIRD MARINE SERVICES PVT. LTD. Petitioner(s)

VERSUS

GOLDENARCH CONSUMER ELECTRONICS PVT. LTD. & ORS. Respondent(s)

(FOR ADMISSION and IA No.64728/2020-EX-PARTE STAY and IA No.64731/2020-EXEMPTION FROM FILING AFFIDAVIT)

WITH

T.P.(C) No. 843-847/2020 (XVI-A)
(FOR ADMISSION and IA No.66207/2020-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

T.P.(C) No. 785/2020 (XVI-A)
(FOR ADMISSION and IA No.65797/2020-EX-PARTE STAY and IA No.65806/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.65802/2020-CLARIFICATION/DIRECTION)

T.P.(C) No. 798/2020 (XVI-A)
(FOR ADMISSION and IA No.67449/2020-EX-PARTE STAY and IA No.67450/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 14-09-2020 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY

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Mr. B. K. Prasad, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mr. G. S. Makker, Adv.
Mr. Rajat Nair, Adv.

Mr. Naresh Thacker, Adv.

Mr. Jitendra Motwani, Adv.
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Mr. Abid Ali Beeran P, AOR
Mr. Kadampully Vikram, Adv.
Mr. Sunil A. R., Adv.
Mr. Sarath S. Janardanan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Transfer Petitions are allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(BEENA JOLLY)
COURT MASTER

(Signed order is placed on the file)