

ITEM NO.4 Court 9 (Video Conferencing) SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 13280-13281/2021

(Arising out of impugned final judgment and order dated 12-07-2021 in APO No. 109/2020 12-07-2021 in WPO No. 728/2006 passed by the High Court At Calcutta)

KANOI TEA PRIVATE LIMITED & ANR. Petitioner(s)

VERSUS

BOARD OF TRUSTEES OF THE PORT OF CALCUTTA & ORS. Respondent(s)

Date : 01-09-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Shyam Divan, SR. Adv.
 Mr. Siddharth Bhatnagar, Sr. Adv.
 Mr. Shreeyashi Lalit, Adv.
 Ms. Sonia Dubey, Adv.
 Mr. Meghajit Mukherjee, Adv.
 Ms. Priynaka Prasad, Adv.
 Mr. Shatadru Chakraborty, Adv.
 Ms. Kanchan Yadav, Adv.
 Ms. Surbhi Anand, Adv.
 Mr. Aditya Sidhra, Adv.
 Mr. Nadeem Afroz, Adv.
 M/S. Legal Options, AOR

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.
 Mr. Buddy Ranganatham, Sr. Adv.
 Mr. Samrat Sengupta, Adv.
 Mr. Soumya Dutta, AOR
 Ms. Namrata Saraogi, Adv.

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

Heard Mr. Shyam Divan, learned senior counsel for the petitioners as well as Mr. Mukul Rohatgi, learned Senior Counsel

for the respondents.

The amount which is due to be paid by the petitioners (as per the impugned order passed by the High Court) comes to over Rs. 16 crores, which learned senior counsel for the respondents states that, along with interest, it would be over Rs. 24 crores. Learned counsel for the petitioner disputes this liability. The current rent fixed by the Tariff Authority for Major Ports is Rs. 9,16,806/- per month, which the petitioner is agreeable to pay. Admittedly, uptill now the petitioners have been paying rent only @ Rs. 1,18,461/- per month, which was the rent fixed in 2006 when the writ petition before the High Court was filed and even though the rent was increased by the Tariff Authority for Major Ports from time to time, but they have not paid the increased rent ever since the grant of interim order by the High Court in 2006.

Considering the totality of circumstances of the case, we direct that the petitioners should first prove their bona fide by making the payment of part arrears of rent. Accordingly, we direct that the matter would be heard further only if the petitioners pay a sum of RS. 6 crores to the respondent no. 1 by 06.09.2021 and file proof of payment having been made to the respondent no. 1 by the next date.

List on 07.09.2021.

Till 07.09.2021, no coercive action shall be taken against the petitioners.

(ARJUN BISHT)
(COURT MASTER (SH))

(PRADEEP KUMAR)
(BRANCH OFFICER)

(ASHWANI THAKUR)
AR-CUM-PS