

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 for Special Leave to Appeal (C) No. 2959/2021  
[Arising out of impugned final judgment and order dated 08-05-2020  
in WA No. 640/2020 passed by the High Court of Kerala at Ernakulam]

GATEWAY DISTRI PARKS (KERALA) LIMITED

Petitioner(s)

VERSUS

DOLPHIN SHIPPING LINE (UK) LTD. &amp; ORS.

Respondent(s)

Date : 10-09-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KAROL  
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Joseph Kodianthara, Sr. Adv.  
Mr. Rony Jose, Adv.  
Mr. A. Karthik, AOR  
Ms. Smrithi Suresh, Adv.  
Mr. Sugam Agrawal, Adv.  
Mr. Ujjwal Sharma, Adv.

For Respondent(s) : Mr. V. Chitambaresh, Sr. Adv.  
Mr. Karthik S.D, Adv.  
Mr. John Mathew, AOR

Mr. N.Venkataraman, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Ms. Nisha Bagchi, Sr. Adv.  
Mr. S A Haseeb, Adv.  
Mr. Prasanjeet Mahapatra, Adv.  
Mr. Mukesh Kumar Maroria, AOR

Mr. Siddharth, AOR  
Mr. Prateek Goyal, Adv.  
Mr. Harshit Manwani, Adv.

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

1. Petitioner lays challenge to the judgment and order dated 08.05.2020 in WA No. 640/2020 titled "Gateway Distriparks (Kerala) Ltd. vs. Dolphin Shipping Line (UK) Ltd. & Ors." passed by the High Court of Kerala at Ernakulam.

2. On 22.02.2021 while issuing notice, this Court had observed inter alia as under:

"....Learned senior counsel submits that in the above circumstances, the judgment of this Court in The Chairman, Board of Trustees, Cochin Port Trust vs M/s Arebee Star Maritime Agencies Pvt Ltd [Civil Appeal No.2525/2018 decided on 5 August 2020] would not cover the present facts since the petitioner who conducts a CFS had agreed to store the goods on the specific request of the first respondent. It has also been submitted that the Single Judge only directed the petitioner to de-stuff the goods in accordance with law and in the appeal which was filed by the petitioner against the judgment of the Single Judge, the Division Bench was not justified in entering a finding that the first respondent was not liable to pay any other charges incurred by the consignee. It has been stated that the goods have been de-stuffed and the containers have been handed over to the first respondent, but the observations contained in paragraph 6 of the judgment of the Division Bench will preclude the petitioner from filing a suit for the recovery of its charges as against the first respondent. Hence, a clarification has been sought to the above extent."

3. Having heard learned counsel for the parties, we are of the considered view that interest of justice would be best met with the disposal of the present petition, clarifying that should the petitioner take recourse to such remedies as are otherwise available in accordance with law, the same shall be considered on its own merits, uninfluenced by the observation made by the High Court in paragraph 6 of the impugned judgment. Ordered accordingly.

4. All pleas including that of limitation are left open.

5. Pending application(s), if any, shall stand disposed of.

(RAJNI MUKHI)  
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)  
COURT MASTER (NSH)