

CNR NO.:MHSCA20013502025

IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXHIBIT – 10

IN

R.A.N. APPLICATION NO. 26 OF 2025

M/s. Khandelwal Brothers Limited Through its
authorized signatory, Mr. Rajesh Kumar ... **Applicant**
Khandelwal

Versus

The Board of Mumbai Port Authority ... **Respondent**

Appearance:-

Swaminathan Janani, learned Advocate for Applicant.

Bangale and Associates, learned Advocate for Respondent.

Coram :- J.N. Yadav, Judge

Court Room No.24

Date :- 16th January, 2026

ORAL ORDER :

Perused the application and say.

2. This is an application filed by the respondent to set aside the 'no reply order' dated 20.11.2025 and to allow the respondent to file their reply to the present RAN Application.

3. It is contended in the application that apart from the present proceedings more than 23 other RAN applications in this Court which are connected to the present matter by virtue of being identical in their legal grounds and provisions of law. Certain matters are comparable on factual aspects as well. The respondent had preferred transfer application to avoid conflicting decision and reduce the strain of documentation and administration. Same led to slight

delay. Respondent had to consider, read, study and draft replies in all applications. It being a matter of incredible importance to the respondent, they have taken all measures to ascertain that the draft covered all legal and factual aspects of the matter. The proceeding filed involve substantial questions of law which required deep deliberation and study. The sheer volume of proceedings to consider and draft led to delay in filing reply. Also respondent had to seek approvals from the Board of assigning the matters to empanelled advocate. The documents and proceedings involved in the matter are nearly five decades old. Therefore, delay has been caused and no reply order passed by the Court. Hence, prayed to allow the application.

4. Applicant filed their reply Exhibit-11 stating that respondent's application for setting aside "no reply" order is wholly misconceived and untenable in law. The respondent has failed to disclose any sufficient and justifiable cause for setting aside no reply order and inordinate and unexplained delay in filing their reply. The reasons pleaded are vague, generic and unsupported by any material. The summons were served upon the respondent on 12.09.2025. No reply order was passed on 20.11.2025. Respondent approached this Court on 28.11.2025, after a substantial and unexplained delay. Neither any valid explanation is provided, nor is there any cogent justification for not adhering to the statutory timelines. It is further stated that the respondent is a major Statutory Authority well equipped with a full-fledged legal department, represented by various multiple empanelled lawyers and law firms. The plea of administrative burden is nothing but a mere afterthought to justify its own willful inaction and negligence to file the said reply. Hence,

prayed to reject the application.

5. Heard Ld. Advocates for both the sides.

6. It is always desirable to decide the matter of merits. Considering the aforesaid facts, opportunity should be given to the respondent to file their reply to the R.A.N. application by setting aside the “no reply” order. Therefore, to avoid the multiplicity of the proceeding and in the interest of justice to adjudicate the matter on merits, the present application deserves to be allowed by imposing cost. Hence, I pass the following order.

: ORDER :

1. Application (**Exhibit-10**) is allowed subject to payment of cost of Rs. 1,000/- (Rs. One thousand only) to be paid by the respondent to the applicant or to be deposited in Court on or before next date.
2. ‘No reply’ order is hereby set aside and reply be taken on record on next date without fail.

Mumbai

Date : 16/01/2026

(J.N. Yadav)

Judge, C. R. No.24