

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.9502 OF 2025**

SBG Industries Private LimitedPetitioner
Vs.

The Board of Trustees of
the Jawaharlal Nehru Port Trust
(JNPT)/Nhava Sheva Port & Ors.Respondents

Mr. Manoj Khatri a/w Mr. Omkar Dhobale & Ms. Kavya Banerjee, for
Petitioner.

Mr. Virendra Pandey, for Respondent No.2

Mr. Ashish Verma, for Respondent No.3

Mr. Yash Vardhan, Employee of Respondent No.2

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 1st APRIL 2025.

P.C.:-

1. On 27th March 2025 this Bench passed the following
order:

“1. Heard learned counsel for the Petitioner.

*2. Issue notice to the Respondents returnable on
1st April 2025 at 02.30 p.m.*

*3. Mr. Yash Vardhan, a employee of Respondent
No. 2 is present in person and seeks time to file an
affidavit in reply.*

4. *Mr. Verma, learned counsel waives notice on behalf of the Respondent No.3 and seeks time to file an affidavit-in-reply if so advised. Time granted.*

5. *In addition to the court notice, learned counsel for the Petitioner to serve the Respondent No.1 on the next date by private notice.*

6. *Notice to indicate that an endeavor shall be made to dispose of the Petition finally at the stage of admission, even if none appears for the said Respondents. In the meantime, it is open for the Petitioner to apply for release of the Pigeon Peas consignment to the Respondent No.2 authority. If such an application is made the same shall be processed by the Respondent No.2 expeditiously, before the next date.”*

2. Learned counsel for the Petitioner states that the said order was passed in the presence of Mr. Yash Vardhan- an Employee of the Respondent No.2.

3. Learned counsel for the Petitioner states that pursuant to the said order, the Petitioners addressed an email to the Respondent No.2 asking them to release the Pigeon Peas consignment. Learned counsel for the Petitioner has tendered the said email sent by the

Petitioner to the Respondent No.2 dated 27th March 2025 at 12.40 p.m.

4. The grievance of the learned counsel for the Petitioner is that despite the said email being sent on 27th March 2025, the Respondent No.2 has not responded to the said email nor released the goods nor informed the Petitioner that certain documents are required to be submitted before the goods could be released.

5. Learned counsel for the Respondent No.2 does not dispute the fact that the said email was received by the Respondent No.2, on 27th March 2025 at 12.40 p.m. Learned counsel for the Respondent No.2 also does not dispute that the Respondent No.2 has not sent any reply/email to the Petitioner in response to the email.

7. Instead today, the learned counsel for the Respondent No.2 has tendered an affidavit-in-reply on behalf of the Respondent No.2. The said affidavit is taken on record. In Para 11 of the said affidavit it is stated as under:

“11. I submit that Respondent No.2, as the custodian of the subject cargo, operates within a Customs Freight Station (CFS), a customs-notified area, under Section 45 of the Customs Act, 1962.

The release of the cargo is subject to strict compliance with statutory and procedural requirements, including the submission of the following mandatory documents:

- a. An “Out of Charge” order issued by the Customs Department, signifying clearance of goods;*
- b. A valid Delivery Order issued by the shipping company, authorizing release;*
- c. A Container Offloading Letter, duly issued by the shipping company, confirming that the container has been placed in the custody of the Petitioner/importer and/or its agent, who is responsible for subsequently offloading it at the shipping lines’ empty container storage yard. and*
- d. Proof of stamp duty payment to the Government of Maharashtra, as per local regulations.”*

8. We fail to understand why the very same details could not be furnished to the Petitioner pursuant to the email sent by the Petitioner to the Respondent No.2 on 27th March 2025 seeking release of the Pigeon Peas consignment.

9. It *prima facie* appears that the Respondent No.2 has deliberately not replied to the email for reasons best known to the

Respondent No.2, either to get extra charges for keeping the consignment with them or for any other reason.

10. At this stage, the learned counsel for the Petitioner states that the Petitioner will submit the documents as mentioned in para 11 of the affidavit in reply, to the Respondent No.2 before Friday.

11. Stand over to **8th April 2025**. To be placed on the **‘Supplementary Board’**.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)