

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA/276/2022
IA No: CAN/1/2022

M/s Yar Shipping And Catering Pvt. Ltd

Vs.

The Lt. Governor and others

Mr. Mohammed Tabraiz for the petitioner

Mr. Shatadru Chakraborty

Mr. Dibesh Dwivedi ... for the respondents

April 03, 2024
[SR]
Item No. 21

Petitioner assails the notification dated May 29, 2019 and May 29, 2020 issued by the Chief Port Administrator.

Learned advocate appearing for the petitioner draws the attention of the Court to the Indian Ports Act, 1908 and particularly to section 6 (2A) and (2B) thereof. He also draws attention of the Court to the Andaman and Nicobar Islands (Compulsory Pilotage of, and Levy of Pilotage Fee etc. on certain vessels entering or departing from the Ports of Andaman and Nicobar Islands) Rules, 1976. He contends that, Chief Port Administrator does not possess requisite power to issue the two notifications.

Learned advocate appearing for the Administration relies upon a writing dated July 25, 2018 to contend that, the Central Government authorized the competent authority for issuing the notification in relation to Port related charges by the Port Management Board, A & N Islands.

Union of India is not a party respondent in the present writ petition.

In view of the challenges leveled by the writ petitioner and in view of the stands taken by the Island Administration, Union of India may be added as party respondent in the present writ petition.

Learned advocate on record for the writ petitioner is granted liberty to add the Union of India, service through the Secretary, Ministry of Shipping, as a party respondent in the present writ petition.

Petitioner will serve a copy of the writ petition upon the added respondent and file an affidavit of service to such effect.

List the writ petition before the next available Circuit Bench.

(Debansu Basak, J.)