

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

...

**WPA/341/2022**

M/S Fairmacs Shipping and  
Transport Service private limited ... Petitioners

Vs.

The Lieutenant Governor and 02 ors.  
... Respondents

Mrs. Anjili Nag  
Mr.Vishal Kumar Biswas ... for the petitioner

Mr. Shatardu Chakraborty  
Mr. Ramendu Agarwal ... for the respondents

August 25, 2022  
[SR]  
*Item No.6*

The urgency shown on behalf of the writ petitioner is that the matter concerning imposing of demurrage charges on the petitioner has been fixed for hearing before the Chief Port Administrator tomorrow i.e. 26<sup>th</sup> August 2022.

The petitioner has challenged a Show Cause Notice issued by the Chief Port Administrator on 11.7.2022 in the present writ petition and seeks stay of the operation of such Notice.

According to learned counsel appearing for the petitioner, the petitioner's prayer for filing its written objection within a certain time frame was rejected by the Chief Port Administrator by an order dated 23<sup>rd</sup> August, 2022 and the petitioner was give three days to file its objection by the said order.

Learned counsel appearing for the respondents submits that the petitioner has sought repeated adjournments and that hearing should proceed.

Upon hearing learned counsel and as an interim measure, this Court is of the view that since there is insufficient time to consider the merits of the matter in relation to the impugned Show Cause Notice, the petitioner should be permitted to file its written objection within a fortnight from date. The hearing before the Chief Port Administrator shall continue in the meantime and the petitioner shall be represented in the hearing.

The parties shall not take any unnecessary adjournments during the hearing of the matter. Let the writ petition be taken up for consideration by the next Circuit Bench.

The respondents shall pass the final order pursuant to the hearing with the leave of the Court. The point of maintainability is kept open.

Let affidavit-in-opposition be filed within two weeks from date. Reply within three days. List this matter before the next Circuit Bench. It is made clear that none of the parties before the Court should be put in difficulty by reason of any adjournment taken by the other party.

**( Moushumi Bhattacharya, J.)**