

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. NOS.186-187
IN
CIVIL APPEAL NO.5559 OF 2001

JAMSHED HORMUSJI WADIA

Petitioner(s)

VERSUS

BOARD OF TRUSTEES,PORT OF MUMBAI & ANR.

Respondent(s)

(With application for clarification/directions on behalf of
applicant and officer report)
(For final disposal)

Date: 29/09/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s) Mr. Ashok H. Desai, Sr. Adv.
Mr. Viren Asar, Adv.
Mr. Farid Karachiwala, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

For Respondent(s) Mr. T.R. Andhyarujina, Sr. Adv.
Mr. A.V. Rangam, Adv.
Mr. Buddy A. Ranganadhan, Adv.

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

Applications for clarification/directions are
dismissed in terms of the signed order.

(Neetu Khajuria)
Sr. P.A.

(S.S.R. Krishna)
Court Master

(Signed order is placed on the file.)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NOS.186-187 OF 2010

IN

CIVIL APPEAL NO.5559 OF 2001

JAMSHED HORMUSJI WADIA

PETITIONER

VERSUS

BOARD OF TRUSTEES,PORT OF MUMBAI & ANR.

RESPONDENTS

O R D E R

On obtaining instructions specifically on the point Mr. Andhyarujina, learned senior advocate appearing for the Board of Trustees of the Port of Mumbai states that after the decision of this Court in Jamshed Hormusji Wadia vs. Board of Trustees, Port of Mumbai & Anr. (2004) 3 SCC 214, the Trust no longer recognizes any category of non rent earning occupation and it does not have the policy to give any rental concession to the lessees in that category.

That being the position, it is futile for the applicant to claim any exception and relaxation of the general terms entitling it to reduction in the rates of rent and/or the other terms of lease on the basis of any material distinguishing features in its case.

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The question, therefore, sought to be agitated in this "clarification application", that against the order of the sole Adjudicator rejecting its representation it still had the remedy of judicial review, notwithstanding the finality attached by this Court to the order of the sole Adjudicator becomes wholly academic and does not call for any pronouncement by this Court.

These applications for clarification/directions are, accordingly, dismissed.

.....J.
(AFTAB ALAM)

.....J.
(R.M. LODHA)

New Delhi,
September 29, 2010.