

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 828 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

PRIYA HOLDINGS LTD.

Versus

GUJARAT MARITIME BOARD

Appearance:

1. Special Civil Application No. 828 of 1988
MR SN SOPARKAR for Petitioner No. 1-2
MR PRANAV G DESAI for Respondent No. 1
MR MJ THAKORE for Respondent No. 2

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 27/06/2003

ORAL JUDGEMENT

1. The petitioners-Priya Holdings Limited and Priya Ship Breakers Private Limited have approached this Court seeking the following main reliefs :-

"(A) to quash and set aside the order dated 2.11.1987 (Annexure-H) passed by Gujarat Maritime Board rejecting the request of the 1st petitioner to issue No Objection Certificate/Letter to the Metal Scrap Trade Corporation in favour of the second petitioner and be further pleased to command the Gujarat Maritime Board to grant the application dated 15th May, 1987 (Annexure-G) of the 1st petitioner and to issue appropriate letter/No Objection Certificate to the Metal Scrap Trade Corporation to the effect that the second petitioner has been allotted necessary water front with back-up space i.e. Plot No.45 at Alang Ship Breaking Yard by it;

Or in the Alternative

to command the Gujarat Maritime Board to record the deletion of the word "Private" from the name of the first petitioner and to issue appropriate letter/No Objection Certificate to the Metal Scrap Trade Corporation Limited to the effect that the 1st petitioner has been allotted necessary water front with back-up space i.e. Plot No.45 at Alang Ship Breaking Yard by it;

(B) Pending the hearing and final disposal of this petition to command the Gujarat Maritime Board to issue No Objection Certificate/letter to the Metal Scrap Trade Corporation in favour of the second petitioner and be further pleased to command the Gujarat Maritime Board to grant the application dated 15th May, 1987 (Annexure-G) of the first petitioner and to issue appropriate letter/No Objection Certificate to the Metal Scrap Trade Corporation to the effect that the second petitioner has been allotted necessary water front with back-up space i.e. Plot No.45 at Alang Ship Breaking Yard by it;

(BB) Pending the hearing and final disposal of this petition to command the Metal Scrap Trade Corporation Ltd., the 2nd Respondent, to not to refuse registration of demand of the petitioners for the year 1987-88 only on the ground that appropriate letter/no objection certificate from Gujarat Maritime Board, respondent No.1 herein is not obtained by the petitioners for plot No.45 at Alang Ship Breaking Yard;

(C) Pending the hearing and final disposal of this petition to command the Gujarat Maritime Board, the respondent No.1 herein, to sanction the application of the 1st petitioner for deletion of the word "Private" from the name of the first petitioner and to issue appropriate letter/No Objection Certificate to the Metal Scrap Trade Corporation Limited, the respondent No.2 herein, to the effect that the first petitioner has been allotted necessary water front with back-up space i.e. Plot No.45 at Alang Ship Breaking Yard, by it;"

2. This Court, on February 24, 1988, passed the following order :-

"ORAL ORDER:

Rule. By way of ad-interim relief, the Metal Scrap Trade Corporation-respondent No.2 is directed to provisionally register petitioner No.1-Priya Holdings Limited as a Ship-Breaker and to provisionally register its demand without insisting upon No Objection Certificate from the Gujarat Maritime Board. The Respondent Corporation shall be under an obligation to register the demand if all the necessary requirements except that of producing No Objection Certificate from the Respondent Board are complied with by the petitioners. The Respondent Board is directed to consider the question of grant of No Objection Certificate to any of the two petitioners on or before 2.3.1988. It is clarified that merely because of the registration of its demand the Corporation will not be required to take further steps which it is required to take after proper registration of demand. It is also clarified that it will be open to the Central Govt. to raise any contention which it thinks proper at the final hearing of this petition with respect to non-availability of foreign exchange or its inability to do anything further pursuant to the registration because of the lapse of time.

Notice as to interim relief returnable on 3.3.1988."

3. Today, when the matter came up for hearing, Ms. Samira Shah, learned Advocate appearing for the petitioner, has voiced the grievance of the petitioner as reflected from the petition.

4. Learned Advocate, Mr. Manish Upadhyay, for respondent No.1, submitted that, following the order of this Court dated February 24, 1988, as per the communication received from Gujarat Maritime Board by him dated November 14, 1988 and April 8, 2002, copies of which are placed by him on record of his Court, plot No.45, formerly granted to M/s Priya Holdings Private Limited, which was subsequently changed to M/s Priya Steel, as per order of this Court dated June 30, 1996, in Civil Application No.4639 of 1996 and, subsequently, by a further dated July 10, 1996, in Civil Application No.5284 of 1996, to the name of M/s Adip Steels Private Limited, which amounted to change in name, status and condition of the firm, has been granted by the Gujarat Maritime Board, as per terms and conditions of the Board, namely, GMB (Conditions and Procedures for Granting Permission for Utilizing Shipbreaking Plots) Regulation, 1994, as amended from time to time. It also transpires that, Gujarat Maritime Board has, thus, following the orders of this Court, granted No Objection Certificate in respect of the same plot in favour of Adip Steels Private Limited, to which petitioner-Priya Holding Private Limited was a party.

5. The lis, therefore, does not seem to survive any more. Petition appears to have become infructuous and, therefore, deserves to be disposed of accordingly. Petition stands disposed of as having become infructuous. Rule is discharged with no order as to costs.

[A. L. DAVE, J.]

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