

**Case :-** WRIT - C No. - 9940 of 2020

**Petitioner :-** M/S Manikya Creation Pvt. Ltd

**Respondent :-** Union Of India And 5 Others

**Counsel for Petitioner :-** Abhinav Gaur, Anoop Trivedi (Senior Adv.), Vibhu Rai

**Counsel for Respondent :-** A.S.G.I.

**Hon'ble Mrs. Sunita Agarwal, J.**

**Hon'ble Saumitra Dayal Singh, J.**

1. Heard Sri Anoop Trivedi, learned Senior Counsel and learned Standing Counsel for the State.

2. The petitioner is seeking quashing of the demand raised by respondent no.6 to the tune of Rs. 25,65,800/- towards rent and detention charges being in violation of the orders/directions issued by the Government of India vide notifications dated 15.04.2020, 18.04.2020, 21.04.2020, 22.04.2020, 28.04.2020, 01.05.2020, 08.05.2020 and 12.05.2020.

3. The petitioner imports Calcium Carbonate from Vietnam. A consignment of such goods imported by the petitioner was received at the inland cargo depot run and maintained by the respondent nos.5 and 6, under a joint-venture, on 13.03.2020 and 19.03.2020. At the outset it has been stated that the entire country was under the lock-down enforced by the Government of India, (under the Disaster Management Act), from 22.03.2020 onwards, to contain the outbreak of the pandemic Covid-19. In view of the said decision of the Government of India as was fully implemented by the Government of U.P., it was not legally possible or permissible for the petitioner to obtain release of its consignment of Calcium Carbonate received at the I.C.D. Dadri on 13.03.2020 and 19.03.2020. Thus *force majeure* intervened and had altered the normal

4. On account of such unforeseen and unprecedented developments, the Government of India, through the Ministry of Shipping and the Directorate General of Shipping further issued binding directions to all the major ports, Inland Container Depots and Container Freight Stations, throughout the country, exempting the ground rent payable for the period beyond the free period of fourteen days, during the lock-down. The notifications issued by the Government of India; the Ministry of Shipping; Ministry of Finance and; Ministry of Home Affairs have all been appended to the writ petition.

5. It is thus contended that the order dated 22.04.2020 had been issued by the Directorate General of Shipping in continuation of the notification issued by the Ministry of Shipping, to grant waiver/remission of the ground rent/detention charges, till 03.05.2020. However a demand notice has been issued by respondent no.6, on various dates, in the months of April and May, 2020 raising a demand of ground rent and detention charges beyond free period of fourteen days. Since the demand so raised is for the period falling under the national lock-down, various notices (appended to the writ petition) have been assailed in light of the notifications issued by the Ministry of Shipping and Ministry of Finance.

6. It has been strenuously contended that the respondent no.5 is also a Government of India undertaking. It cannot demand the ground rent/detention charges for the period beyond the free period of fourteen days. Be that as it may reply to the said notices has been submitted by the petitioner by various letters appended, to the writ petition.

The same is pending consideration before respondent no. 5.

7. In view of the above, without entering into the merits of the claim of the petitioner for waiver/remission (of the ground rent/detention charges), we provide that the respondent no.5 shall take an expeditious decision on the reply submitted by the petitioner - protesting against the demand notice charging ground rent and detention charges on storage of the cargo containers beyond the free period of fourteen days, at the ICD Dadri (by respondent no.6). The respondent no. 5 shall pass a reasoned and speaking order in accordance with law within a period of two weeks from the submission of a copy of this order before the respondent no.5.

8. Accordingly, the writ petition is **disposed of**.

**Order Date :-** 22.6.2020  
Shubham