

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.148 OF 2010
(Arising out of S.L.P. (C) No.11825 of 2009)

M/s. Frost International Limited ...Appellant(s)

Versus

Union of India & Ors. ...Respondent(s)

O R D E R

Heard learned counsel on both sides.

Leave granted.

Normally, this Court does not interfere with the impugned orders.

Learned Solicitor General, however, in his usual fairness, points out that, in this particular case, the High Court needs to consider the scope and applicability of the Regulations dated 16th March, 2009 [notified on 17th March, 2009], Guidelines dated 24th January, 1992, Board's Circular dated 26th June, 2002, as also Notification No.16/2005 dated 30th December, 2005. We may also state that these documents were not placed before the High Court when the impugned order came to be passed. The High Court will also consider whether the Regulations have retrospective effect so as to cover the facts of this case.

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As regards Notification No.16/2005, learned counsel for the Mumbai Port Trust [Respondent No.5] states that the said notification has no application to the present case because it applies to Jawaharlal Nehru Port Trust, which is not concerned with the controversy herein, particularly, because, in this case, we are concerned with Mumbai Port Trust for which there is no such notification.

Accordingly, the impugned order is set aside and the matter is remitted to the High Court for *de novo* consideration in accordance with law. If the High Court so deems fit, it can even take up the writ petition for final hearing.

The civil appeal stands, accordingly, allowed of with no order as to costs.

.....J.
[S.H. KAPADIA]

.....J.
[SWATANTER KUMAR]

New Delhi,
January 11, 2010.

JUDGMENT