Y.V.S.B.G. PARDHA SARADHI
REGISTRAR GENERAL

AMARAVATI
(Off) :0863 2372613
(Telefax):0863 2372631

ROC No.11/SO/2026 Dated.11 .05.2026

To
All the Principal District Judges
in Andhra Pradesh.

Sir/Madam,

Sub: High Court of Andhra Pradesh – **Constitution of Adjudicatory Board for Major Ports w.r.t. various Special Civil Applications / Writ Petitions filed by various petitioners in the High Court in respect of any matter falling within the powers and functions of the Adjudicatory Board under the Major Port Authorities (MPA) Act, 2021** – Intimation – Reg.

Ref: Letter dt:26.12.2025 of the Director, Adjudicatory Board for Major Ports, Ministry of Ports, Shipping and Waterways, Government of India, along with enclosure.

*****

Adverting to the subject and reference cited, as directed, I am to forward herewith a copy of letter dt.26.12.2025 of the Adjudicatory Board for Major Ports, Ministry of Ports, Shipping and Waterways, Government of India, intimating about constitution of Adjudicatory Board for Major Ports, for information.

Further, I also request you communicate the same to all the Judicial Officers in your Unit and to the Presiding Officers of Labour Courts/Tribunals in the District working under the control of the High Court, for information.

Yours sincerely,

REGISTRAR GENERAL

Encl: As stated.

Principal District Court, Krishna, Machilipatnam, Dt.23.05.2026.

Copy of the Hon'ble High Court's letter in ROC.No.11/SO/2026, dated 11.05.2026, is communicated to all the Judicial Officers working in the Unit of Krishna, for information.

Dis No. 4573
23/5/26

23/5

PRINCIPAL DISTRICT JUDGE,
KRISHNA, MACHILIPATNAM.

Copy to

The Senior Superintendent (HC & CN), OP Cell, Translator and Bench Clerks, Principal District Court, Krishna at Machilipatnam.

The System Officer, Principal District Court, Krishna at Machilipatnam, with a direction to upload the same in official website.

सत्यमेव जयते

महापत्तन न्यायनिर्णायिक बोर्ड
ADJUDICATORY BOARD FOR MAJOR PORTS

पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार
Ministry of Ports, Shipping and Waterways, Government of India

आज़ादी का अमृत महोत्सव

No.ABMP/13/2025-Misc.
26 December 2025

To

Registrar General,
High Court of Andhra Pradesh,
Nelapadu, Amaravati,
Nelapadu, Andhra Pradesh 522239

Registrar General
High Court of Andhra Pradesh
02 JAN 2026

Subject: **Intimation about Constitution of Adjudicatory Board for Major Ports w.r.t. various Special Civil Applications / Writ Petitions filed by various Petitioners in the Hon'ble High Court in respect of any matter falling within the powers and functions of the Adjudicatory Board under the Major Port Authorities (MPA) Act, 2021.**

Sir,

This letter is being addressed to you to bring to your kind notice that the Major Port Authorities (MPA) Act, 2021 has come into force with effect from 03 November 2021.

2.1. As per the stipulation given at Sub section (1) of Section 54 of the MPA Act 2021, the Central Government shall constitute an Adjudicatory Board to exercise the jurisdiction, powers and authority conferred on such Adjudicatory Board under Section 32 and Section 58(1) of the MPA Act, 2021.

2.2. As per Section 55 read with Section 56 of the MPA act, 2021, the Adjudicatory Board shall consist of a Presiding Officer and two Members as given below:

(a). Presiding Officer - retired Judge of the Supreme Court of India or a retired Chief Justice of a High Court.

(b). Members - retired Chief Secretary of a State Government or equivalent; or a retired Secretary of the Government of India or equivalent.

2.3. In pursuance of Sub-sections (1) and (2) of Section 54 and Section 55 of the said Major Port Authorities Act, 2021, the Central Government has

चौथी मंजिल, भंडार भवन, मुजावर पाखाडी रोड, माझगांव, मुंबई - 400010.
4th Floor, Bhandar Bhavan, Muzawar Pakhadi Road, Mazgaon. Mumbai - 400010.
Tel. . 2379 2000 E-mail : adjudicatoryboard@gmail.com

महापत्तन न्यायनिर्णायिक बोर्ड
ADJUDICATORY BOARD FOR MAJOR PORTS
पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार
Ministry of Ports, Shipping and Waterways, Government of India

संख्या. एबीएमपी/13/2025-विविध .
दिनांक 26 दिसंबर 2025

सेवा में,

महापंजीयक,
आंध्रा प्रदेश उच्च न्यायल,
नेलपाडु, अमरावती मदुरै
नेलपाडु, आंध्रा प्रदेश -522239

विषय: महापत्तन न्यायनिर्णायिक बोर्ड के गठन के बारे में सूचना-जो महापत्तन प्राधिकरण अधिनियम (एमपीए), 2021 के तहत महापत्तन न्यायनिर्णायिक बोर्ड की शक्तियों और कार्यों के तहत आने वाले किसी भी मामले के संबंध में माननीय उच्च न्यायालय में अलग-अलग याचिकाकर्ताओं के द्वारा दायर किए गए अलग-अलग स्पेशल सिविल आवेदन/रिट याचिका के संबंध में हैं।

महोदय,

यह पत्र आपको यह सूचित करने के लिए भेजा जा रहा है कि महापत्तन प्राधिकरण (एमपीए) अधिनियम 2021, दिनांक 03 नवंबर 2021 से लागू हो चुका है।

2.1. एमपीए अधिनियम 2021 की धारा 54 की उप धारा (1) में दिए गए प्रावधान के अनुसार, केंद्र सरकार एमपीए अधिनियम, 2021 की धारा 32 और धारा 58(1) के तहत ऐसे न्यायनिर्णायिक बोर्ड को प्रदत्त अधिकार क्षेत्र, शक्तियों और अधिकार का प्रयोग करने के लिए एक न्यायनिर्णायिक बोर्ड का गठन करेगी।

2.2. एमपीए अधिनियम, 2021 की धारा 56 के साथ धारा 55 को पठनानुसार, न्यायनिर्णायिक बोर्ड में एक पीठासीन अधिकारी और दो सदस्य शामिल होंगे, जैसा कि निम्न उल्लेख किया गया है:

(क). पीठासीन अधिकारी - भारत के सर्वोच्च न्यायालय के सेवानिवृत्त न्यायाधीश या उच्च न्यायालय के सेवानिवृत्त मुख्य न्यायाधीश होंगे।

(ख). सदस्य - किसी राज्य सरकार के मुख्य सेवानिवृत्त सचिव या उनके समकक्ष; या भारत सरकार के सेवानिवृत्त सचिव या उनके समकक्ष के होंगे।

2.3. उक्त महापत्तन प्राधिकरण अधिनियम, 2021 की धारा 54 की उप-धाराओं (1) और (2) और धारा 55 के अनुसरण में, केंद्र सरकार ने दिनांक 13 अगस्त 2025 को राजपत्र अधिसूचना संख्या 3647 के माध्यम से महापत्तन न्यायनिर्णायिक बोर्ड (एबीएमपी) का गठन किया है, जिसमें एक पीठासीन अधिकारी और दो सदस्य शामिल हैं-

(क). पीठासीन अधिकारी - माननीय न्यायमूर्ति आशीष जितेंद्र देसाई
पूर्व मुख्य न्यायाधीश, केरल उच्च न्यायालय

(ख). सदस्य - श्री चिर्रावुरी विश्वनाथ
पूर्व सचिव, उपभोक्ता मामले और
पूर्व सदस्य, राष्ट्रीय उपभोक्ता मामले और
निवारण आयोग

चौथी मंजिल, भंडार भवन, मुजावर पाखाडी रोड, माझगांव, मुंबई-400010
4th Floor, Bhandar Bhavan, Muzawar Pakhadi Road, Mazgaon, Mumbai-400010.
Tel.:022-23792000, Email . adjudicatoryboard@gmail.com

constituted the Adjudicatory Board for Major Ports (ABMP) on 13 August 2025 vide Gazette Notification No.3647, consisting of a Presiding Officer and two Members –

(a). Presiding Officer - Hon'ble Justice Ashish Jitendra Desai
Former Chief Justice, Kerala High Court

(b). Member - Shri Chirravuri Viswanath
Former Secretary, D/o Consumer Affairs and Former Member, National Consumer Affairs and Redressal Commission

(c). Member - Dr. Sanjeev Ranjan
Former Secretary, M/o Ports, Shipping and Waterways and Technical Member, National Company Law Tribunal (NCLT)

2.4. The Hon'ble Presiding Officer and Hon'ble Member (CV) have assumed the charge in ABMP. As per the notified Major Ports Adjudicatory Board Rules, 2023, the quorum for ABMP is 02 Members. The ABMP has held hearings since October 2025 and is functional.

3.1. As per Section 58(1) of the MPA Act 2021, the ABMP is, interalia, empowered to receive and adjudicate reference on any dispute or differences or claims relating to rights and obligations of Major Ports and Public Private Partnership concessionaires or captive users for dedicated berth within the framework of their concession agreements and also to look into the complaints received from port users against the services and terms of service rendered by the Major Ports or the private operators operating in the Major Ports.

3.2. Further, as per Section 58 (3) of the MPA Act, 2021, the Adjudicatory Board shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), for the purposes of discharging its functions.

3.3. Also, as per Section 58 (4) of the MPA Act, 2021, any proceeding before the Adjudicatory Board, shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code, and the Adjudicatory Board shall be deemed to a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

3.4. Further, Section 59 of the MPA Act, 2021 is reproduced below:

"No other court shall have jurisdiction to entertain any suit for proceeding in respect of any matter falling within the scope of the Adjudicatory Board under this Act: Provided that the provisions of this section shall not apply to matters stated in Section 58 that are referred to arbitration by the concerned parties within the framework of their respective contracts or concession agreements."

(ग) सदस्य - डॉ. संजीव रंजन
पूर्व सचिव, पत्तन, पोत परिवहन और
जलमार्ग मंत्रालय और तकनीकी सदस्य,
राष्ट्रिय कंपनी विधि अधिकरण (एनसीएलटी)

2.4. माननीय पीठासीन अधिकारी और माननीय सदस्य (सीवी) ने एबीएमपी कार्यालय में अपना कार्यभार संभाल लिए हैं।अधिसूचित महापत्तन न्यायनिर्णायिक बोर्ड नियमावली, 2023 के अनुसार, एबीएमपी के लिए कोरम 02 सदस्यों का हैं। एबीएमपी ने अक्टूबर 2025 से सुनवाई करनी प्रारंभ की है और एबीएमपी अक्टूबर 2025 से सुनवाई के कार्य कर रहा है।

3.1 एमपीए अधिनियम 2021 के धारा 58(1) के अनुसार, एबीएमपी को, दूसरी बातों के साथ-साथ, महापत्तनों और पब्लिक प्राइवेट पार्टनरशिप कंसेशनेयर्स या कैप्टिव यूज़र्स के अधिकारों और ज़िम्मेदारियों से जुड़े किसी भी विवाद, मतभेद या दावों पर संज्ञान लेने और न्याय करने का अधिकार है, जो उनके कंसेशन एग्रीमेंट के फ्रेमवर्क के अंदर डेडिकेटेड बर्थ के लिए है। साथ ही, महापत्तनों या महापत्तनों में काम करने वाले प्राइवेट ऑपरेटरों द्वारा दी जाने वाली सर्विस और सर्विस की शर्तों के विरुद्ध पत्तन उपयोगकर्ताओं से मिली शिकायतों पर भी संज्ञान लेने का अधिकार प्राप्त है।

3.2. इसके अलावा, एमपीएअधिनियम, 2021 के धारा 58 (3) के अनुसार, महापत्तन न्यायनिर्णायिक बोर्ड के पास अपने काम करने के लिए वही अधिकार होंगे जो सिविल प्रक्रिया संहिता, 1908 (1908 का 5 वाँ) के तहत एक सिविल न्यायालय को दिए गए हैं।

3.3. साथ ही, एमपीए अधिनियम, 2021 के धारा 58 (4) के अनुसार, महापत्तन न्यायनिर्णायिक बोर्ड के समक्ष कोई भी कार्यवाही, भारतीय न्याय संहिता के धारा 193 और 228 में और धारा 196 के उद्देशपूर्ति हेतु एक न्यायप्रक्रिया की कार्यवाही मानी जाएगी, और महापत्तन न्यायनिर्णायिक बोर्ड को दंड प्रक्रियासंहिता, 1973 के धारा 195 और अध्याय XXVI के सभी उद्देशपूर्ति हेतु एक सिविल न्यायालय माना जाएँगा।

3.4. इसके अलावा, एमपीए अधिनियम, 2021 का धारा 59 निम्न उल्लेखित किया जाता है:

"इस अधिनियम के तहत महापत्तन न्यायनिर्णायिक बोर्ड के दायरे में आने वाले किसी भी मामले के संबंध में किसी भी मुकदमे पर सुनवाई करने का अधिकार किसी दूसरे न्यायालय के पास नहीं होगा, बशर्ते कि इस धारा के अधिनियम धारा 58 में बताए गए उन मामलों पर लागू नहीं होंगे जिन्हें संबंधित पार्टियों द्वारा उनके संबंधित कॉन्ट्रैक्ट या कंसेशन एग्रीमेंट के फ्रेमवर्क के तहत आर्बिट्रेशन के लिए भेजा गया है।"

4.1 यह ध्यान देने योग्य है कि एम.पी.ए. अधिनियम, 2021 की धारा 1(3) के अनुसार, यह अधिनियम चेन्नई, कोचीन, दीनदयाल (कंडला), जवाहरलाल नेहरू (न्हावा शेवा), कोलकाता, मोरमुगाव, मुंबई, न्यू मंगलौर, पारादीप, वी.ओ. चिदंबरनार (तूतीकोरिन) और विशाखापत्तनम के महापत्तनों पर लागू होगा।

4.2. एमपीए अधिनियम, 2021 के संबंधित भाग। और दिनांक 13.08.2025 के राजपत्र अधिसूचना की एक कॉपी इसके साथ क्रमशः अनुलग्नक-I और अनुलग्नक-II में संलग्न किया जाता है।

4.3. ऊपर दी गई स्थिति आपके संज्ञान में लाई जा रही है।

5. यह सक्षम प्राधिकारी के अनुमोदन से जारी किया जाता है।

भवदीया,

(अनुराधा एच. शर्मा)
निदेशक

संलग्नक : यथोपरि

4.1. It is noteworthy that as per Section 1(3) of the MPA Act, 2021, the Act shall apply to the Major Ports of Chennai, Cochin, Deendayal (Kandla), Jawaharlal Nehru (Nhava Sheva), Kolkata, Mormugao, Mumbai, New Mangalore, Paradip, V.O. Chidambaranar (Tuticorin) and Visakhapatnam.

4.2. A copy of relevant extract of MPA Act, 2021 and Gazette notification dated 13.08.2025 is attached herewith as **Annex-I** and **II**, respectively.

4.3. The above position is brought to your notice for kind information.

5. This issues with the approval of the Competent Authority.

Yours faithfully,

(Anuradha H. Sharma)
Director

Encl.: As stated above.

Annex-I

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—21 REGISTERED NO. DL.—(N)04/0007/2003—21

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-18022021-225265
CG-DL-E-18022021-225265

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 3] नई दिल्ली, बृहस्पतिवार, फरवरी 18, 2021/माघ 29, 1942 (शक)
No. 3] NEW DELHI, THURSDAY, FEBRUARY 18, 2021/MAGHA 29, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 18th February, 2021/Magha 29, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 17th February, 2021, and is hereby published for general information:—

THE MAJOR PORT AUTHORITIES ACT, 2021

No. 1 OF 2021

[17*th February*, 2021.]

An Act to provide for regulation, operation and planning of Major Ports in India and to vest the administration, control and management of such ports upon the Boards of Major Port Authorities and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-Second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, commencement and application.

1. (*1*) This Act may be called the Major Port Authorities Act, 2021.

(*2*) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint.

(*3*) It shall apply to the Major Ports of Chennai, Cochin, Deendayal (Kandla), Jawaharlal Nehru (Nhava Sheva), Kolkata, Mormugao, Mumbai, New Mangalore, Paradip, V.O. Chidambaranar (Tuticorin) and Visakhapatnam.

Board not to sell, alienate or divest its assets, properties, rights, powers and authorisations without sanction of Central Government.

51. The Board shall not sell, alienate or divest its assets, properties, rights, powers and authorisations vested in it under this Act without the prior sanction of the Central Government.

Remedies of Government in respect of loans made to Board.

52. (*1*) The Central Government or a State Government, from the date of commencement of this Act, shall have, in respect of loans made by it to the Board or of loans made to any other authority for the repayment of which the Board is legally liable on such commencement, the same remedies and priority as applicable under the Major Port Trusts Act, 1963 as if this Act had not been passed. 38 of 1963

(*2*) For prospective loans by the Central or State Governments or of loans made by any other authority, the remedies would be the same as available to the holders of port securities issued by the Board unless priority or greater rights are granted by the Board in respect of such loans within the respective loan agreements.

Power of Central Government to issue directions.

53. (*1*) Without prejudice to the foregoing provisions of this Chapter, the Board shall in discharge of its functions under this Act, be bound by such directions on question of policy as the Central Government may give in writing from time to time:

Provided that the Board shall be given an opportunity to express its views before any direction is given under this sub-section.

(*2*) The decision of the Central Government on whether a question is one of the policy or not shall be final and binding on the Board.

CHAPTER VI

CONSTITUTION OF ADJUDICATORY BOARD

Constitution of Adjudicatory Board.

54. (*1*) The Central Government shall, by notification, constitute, with effect from such date as may be specified therein, a Board to be known as the Adjudicatory Board to exercise the jurisdiction, powers and authority conferred on such Adjudicatory Board by or under this Act:

Provided that until the constitution of the Adjudicatory Board, the Tariff Authority for Major Ports constituted under section 47A of the Major Port Trusts Act, 1963 shall discharge the functions of the Adjudicatory Board under this Act and shall cease to exist immediately after the constitution of the Adjudicatory Board under this Act: 38 of 1963.

Provided further that on and from the date of constitution of the Adjudicatory Board—

(*a*) all the assets and liabilities of the Tariff Authority for Major Ports shall stand transferred to, and vested in, the Adjudicatory Board.

Explanation.—For the purposes of this clause, the assets of the Tariff Authority for Major Ports shall be deemed to include all rights and powers, all properties, whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of the Tariff Authority for Major Ports, and all books of account and other documents relating to the same, and liabilities, shall be deemed to include all debts, liabilities and obligations of whatever kind;

(*b*) without prejudice to the provisions of clause (*a*), all debts, obligations and liabilities incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the Tariff Authority for Major Ports before that date, for or in

connection with the purpose of the said Tariff Authority for Major Ports, shall be deemed to have been incurred, entered into, or engaged to be done by, with or for, the Adjudicatory Board;

(*c*) all sums of money due to the Tariff Authority for Major Ports immediately before that date shall be deemed to be due to the Adjudicatory Board;

(*d*) all suits and other legal proceedings instituted or which might have been instituted by or against the Tariff Authority for Major Ports immediately before that date may be continued or may be instituted by or against the Adjudicatory Board;

(*e*) every employee serving under the Tariff Authority for Major Ports immediately before such date shall become an employee of the Adjudicatory Board and shall hold his office or service therein by the same tenure without any change or derogation of the terms and conditions of service held with the Tariff Authority for Major Ports:

Provided that the tenure, remuneration and terms and conditions of service of any such employee shall not be altered to their disadvantage without the previous sanction of the Central Government;

(*f*) every person who was receiving any retirement benefits from the Tariff Authority for Major Ports immediately before such date, shall continue to receive the same benefit from the Adjudicatory Board:

Provided that the retirement benefits of such person shall not be altered by the Adjudicatory Board to his disadvantage without the previous sanction of the Central Government.

(*2*) The head office of the Adjudicatory Board shall be at such a place as may be notified by the Central Government:

Provided that the Adjudicatory Board may hold its sittings at such other places as the Presiding Officer may decide from time to time, having taken into consideration the convenience to decide the disputes referred to it.

Composition of Adjudicatory Board.

55. The Adjudicatory Board shall consist of a Presiding Officer and two other members, as may be appointed by the Central Government.

Qualifications, terms and conditions of service of Presiding Officer and members of Adjudicatory Board.

56. (*1*) A person shall not be qualified for appointment as the Presiding Officer of the Adjudicatory Board unless he is—retired Judge of the Supreme Court of India or a retired Chief Justice of a High Court.

(*2*) A person shall not be qualified for appointment as a member of the Adjudicatory Board unless he is—

(*a*) a retired Chief Secretary of a State Government or equivalent; or

(*b*) a retired Secretary of the Government of India or equivalent,

and has an experience of not less than twenty years in the field of finance, commerce, administration, maritime, shipping or port related matters.

(*3*) The Presiding Officer and members of the Adjudicatory Board shall be appointed by the Central Government on the recommendation of a Selection Committee consisting of the Chief Justice of India or his nominee, the Secretary of the Department dealing with Shipping and such other persons, and in such manner as may be prescribed.

(*4*) The Presiding Officer and members of the Adjudicatory Board shall hold office for a term not exceeding five years from the date on which they enter upon their office or until they attain the age of seventy years, whichever is earlier.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the Presiding Officer and members of the Adjudicatory Board shall be such as may be prescribed:

Provided that neither the salary and allowance nor other terms and conditions of service of the Presiding Officer or members of the Adjudicatory Board shall be varied to their disadvantage after their appointment.

Removal and suspension of Presiding Officer and members of Adjudicatory Board.

57. (1) The Central Government may, in consultation with the Chief Justice of India or his nominee, remove from office of the Presiding Officer, who—

(a) has been adjudged as an insolvent;

(b) has become physically or mentally incapable of acting as such Presiding Officer or member;

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as such Presiding Officer or member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) Without prejudice to the provisions of sub-section (1), the Presiding Officer shall not be removed from his office except by an order made by the Central Government on the ground of proved misbehaviour or incapacity after an inquiry made by the Chief Justice of India or his nominee on a reference made to him by the Central Government in which such Presiding Officer has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, with the concurrence of the Chief Justice of India suspend from office, the Presiding Officer in respect of whom reference has been made to the Chief Justice of India under sub-section (2) until the Central Government has passed orders on receipt of the report of the Chief Justice of India on such reference.

(4) The Central Government shall, after consultation with the Supreme Court, make rules to regulate the procedure for the inquiry on the ground of proved misbehaviour or incapacity referred to in sub-section (2).

(5) Without prejudice to the provisions of sub-section (1), a member of the Adjudicatory Board shall not be removed from his office except by an order made by the Central Government on the ground of his proved misbehaviour or incapacity, after an inquiry, held in accordance with the procedure prescribed in this behalf by the Central Government, come to the conclusion that the member ought to be removed on any such ground referred to in sub-section (1).

(6) The Central Government may suspend any member of the Adjudicatory Board in respect of whom an inquiry under sub-section (5) is being initiated or pending until the Central Government has passed an order on receipt of the report of the inquiry.

Powers and functions of Adjudicatory Board.

58. (1) The Adjudicatory Board referred to in section 54 shall perform the following functions, other than tariff setting, namely:—

(a) the functions envisaged to be carried out by the erstwhile Tariff Authority for Major Ports arising from the Tariff Guidelines of 2005, 2008, 2013, 2018 and 2019 and tariffs orders issued by the said Authority;

(b) to receive and adjudicate reference on any dispute or differences or claims relating to rights and obligations of Major Ports and Public Private Partnership concessionaires or captive users for dedicated berth within the framework of their concession agreements and to pass orders after considering and hearing all the parties involved in the dispute;

(*c*) to appraise, review the stressed Public Private Partnership projects as referred by the Central Government or the Board, and to suggest measures to revive such projects;

(*d*) to look into the complaints received from port users against the services and terms of service rendered by the Major Ports or the private operators operating in the Major Ports and to pass necessary orders after hearing the parties concerned; and

(*e*) to look into any other matter relating to the operations of the Major Port, as may be referred to it by the Central Government or the Board, and to pass orders or give suggestions, as the case may be.

(*2*) The procedure to be adopted by the Adjudicatory Board, while discharging its functions referred to in sub-section (*1*), as well as other matters related to funding, accounts and audit of such Board shall be such as may be prescribed.

(*3*) Notwithstanding anything contained in any other law for the time being in force, while exercising the powers under sub-section (*1*), the Adjudicatory Board shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:— 5 of 1908.

(*a*) the discovery and production of books of account and other documents, at such place and at such time as may be specified by the Adjudicatory Board;

(*b*) summoning and enforcing the attendance of persons and examining them on oath;

(*c*) issuing commissions for the examination of witnesses or documents; and

(*d*) any other matter which may be prescribed.

(*4*) Any proceeding before the Adjudicatory Board, shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code, and the Adjudicatory Board shall be deemed to a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. 45 of 1860. 2 of 1974.

Bar of jurisdiction of any court.

59. No other court shall have jurisdiction to entertain any suit for proceeding in respect of any matter falling within the scope of the Adjudicatory Board under this Act:

Provided that the provisions of this section shall not apply to matters stated in section 58 that are referred to arbitration by the concerned parties within the framework of their respective contracts or concession agreements.

Review and appeal.

60. (*1*) Any party aggrieved by any decision or order of the Adjudicatory Board under this Act, from which an appeal is allowed under sub-section (*2*), but from which no appeal has been preferred, may apply for a review of such decision before the Adjudicatory Board, in such form and manner and within such time, as may be prescribed, and the said Board may make such order thereon, as it thinks fit.

(*2*) Any party aggrieved by any decision or order of the Adjudicatory Board, may file an appeal to the Supreme Court of India, within sixty days from the date of communication of such decision or order to him:

Provided that no appeal shall lie from a decision or order passed by the Adjudicatory Board with the consent of parties:

Provided further that the Supreme Court may, entertain any appeal after the expiry of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal.

Officers and employees of Adjudicatory Board.

61. (*1*) The Adjudicatory Board may, with the previous approval of the Central Government, appoint officers and such other employees as it considers necessary for the efficient discharge of its functions under this Act.

Annexure

रजिस्ट्री सं. डी.एल.- 33004/99

REGD. No. D. L.-33004/99



भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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पत्तन, पोत परिवहन और जलमार्ग मंत्रालय

(पत्तन स्कंध)

अधिसूचना

नई दिल्ली, 13 अगस्त, 2025

का.आ. 3740(अ).— महापत्तन प्राधिकरण अधिनियम, 2021 (2021 का 1) की धारा 54 और धारा 55 की उप-धारा (1) और (2) के अनुसरण में, केंद्र सरकार एतदद्वारा महापत्तनों के लिए न्यायनिर्णयन बोर्ड का गठन करती है, जिसमें एक पीठासीन अधिकारी और दो सदस्य शामिल होंगे, नामत:-

(i) न्यायमूर्ति आशीष जितेंद्र देसाई
पूर्व मुख्य न्यायाधीश, केरल उच्च न्यायालय — पीठासीन अधिकारी

(ii) श्री चिर्रावुरी विश्वनाथ
पूर्व सचिव, उपभोक्ता मामले विभाग और — सदस्य

पूर्व सदस्य, राष्ट्रीय उपभोक्ता विवाद निवारण आयोग (एनसीडीआरसी)

- सदस्य

(iii) डॉ. संजीव रंजन
पूर्व सचिव, पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, और
तकनीकी सदस्य, राष्ट्रीय कंपनी विधि अधिकरण (एनसीएलटी)

2. महापत्तनों के लिए न्यायनिर्णयन बोर्ड का मुख्यालय मुंबई में होगा।

3. (तत्कालीन) महापत्तन न्यासी अधिनियम, 1963 की धारा 47ए के अंतर्गत गठित महापत्तनों प्रशुल्क प्राधिकरण, महापत्तन न्यायनिर्णयन बोर्ड के गठन की तिथि से अस्तित्व में नहीं रहेगा।

4. महापत्तन न्यायनिर्णयन बोर्ड, सरकारी राजपत्र में अधिसूचना के प्रकाशन की तारीख से प्रवृत्त होगा।

[फा. सं. पीडी-24015/60/2021-पीडी-I]

आर. लक्ष्मणन, संयुक्त सचिव

MINISTRY OF PORTS, SHIPPING AND WATERWAYS

(Ports Wing)

NOTIFICATION

New Delhi, the 13th August, 2025

S.O. 3740(E).— In pursuance of sub-sections (1) and (2) of Section 54 and Section 55 of the Major Port Authorities Act, 2021 (1 of 2021), the Central Government hereby constitutes the Adjudicatory Board for Major Ports, consisting of a Presiding Officer and two Members, namely:-

(i) Justice Ashish Jitendra Desai
Former Chief Justice, Kerala High Court

- Presiding Officer

(ii) Shri Chirravuri Viswanath
Former Secretary, Department of Consumer Affairs, and
Former Member, National Consumer Dispute
Redressal Commission (NCDRC)

- Member

(ii) Dr. Sanjeev Ranjan
Former Secretary, Ministry of Ports, Shipping and Waterways, and
Technical Member, National Company Law Tribunal (NCLT)

- Member

2. The head office of the Adjudicatory Board for Major Ports shall be at Mumbai.

3. The Tariff Authority for Major Ports constituted under Section 47A of the (erstwhile) Major Port Trusts Act, 1963 shall cease to exist from the date of constitution of the Adjudicatory Board for Major Ports.

4. The Adjudicatory Board for Major Ports shall come into force from the date of publication of the notification, in the official Gazette.

[F. No. PD-24015/60/2021-PD-I]

R. LAKSHMANAN, Jt. Secy.

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