

ADJUDICATORY BOARD FOR MAJOR PORTS (TRANSACTION OF BUSINESS AND PROCEDURAL) REGULATIONS, 2025

In exercise of the powers conferred under clauses (a), (b) and (c) of sub-rule (3) of rule 28, clause (c) of sub-rule (1) of rule 30, clause (c) of sub-rule (1) of rule 31, sub-rule (1) of rule 32, sub-rule (1) of rule 34, sub-rule (1) of rule 37, sub-rule (1) of rule 40, sub-rule (1) of rule 55, sub-rule (2) of rule 56 and rule 62 of the Major Ports Adjudicatory Board Rules, 2023, the Adjudicatory Board hereby makes the following regulations, namely:-

**PART - I
Preliminary**

1. Short title and commencement.-

- (1) These regulations may be called the Adjudicatory Board for Major Ports (Transaction of Business and Procedural) Regulations, 2025.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They 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. They shall also apply to Private Operators and captive users with dedicated berth who operate in these major ports and any other port users as defined in these regulations. who avails the services or facilities offered by these major ports.

2. Definitions.-

- (1) In these regulations, unless the context otherwise requires, -
 - (a) “**Act**” means the Major Port Authorities Act, 2021 (1 of 2021);
 - (b) “**address for service**” shall mean the address furnished by a party or his authorised representative at which service of notices, summons or other processes may be effected under these regulations;
 - (c) “**Adjudicatory Board**” means the Board constituted by the Central Government under subsection (1) of Section 54 of the Act;
 - (d) “**Adjudicatory Board Point**” means the Courtroom where the hearing is physically convened.
 - (e) “**advocate**” means a person who is entitled to practice as such under the Advocates Act, 1961 (25 of 1961);
 - (f) “**applicant**” means the person making a case, application, reference, review or interlocutory application to the Adjudicatory Board under the Act, Rules and these regulations;
 - (g) “**application**” means an application made to the Adjudicatory Board in respect of any matter specified in Category B, C, D and F under clauses (b), (c), (d) and (f) of sub-rule (1) of rule 28 of the Rules and related matters thereto;
 - (h) “**authorised representative**” means a person authorised in writing by a party to present his case, application, reference, review or any document related thereto

including interlocutory application before the Adjudicatory Board as the representative of such party;

- (i) **“case”** means a case in respect of matters specified in Category A under clause (a) of sub-rule (1) of rule 28 of the Rules;
- (j) **“certified copy”** means in relation to a copy of a document or order of Adjudicatory Board, certified to be a true copy issued by the Registrar of the Adjudicatory Board or any other officer authorised by the Registrar under its hand and seal;
- (k) **“fee”** means the amount payable in pursuance of the provisions of the Rules and these regulations for any case, application, reference, review, interlocutory application, miscellaneous application, or a document or for a certified copy of document or certified copy of the order of the Adjudicatory Board or such other document as fixed by the Adjudicatory Board in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 and includes any modifications as may be approved by the Adjudicatory Board in this regard;
- (l) **“filed”** means filed in the office of the Registrar or the Secretary of the Adjudicatory Board, as the case may be;
- (m) **“Form”** means a form(s) stipulated in these regulations and prescribed by the Adjudicatory Board in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 with such modifications as may be required and where no form is prescribed, to cover a contingency, a form as may be approved by the Presiding Officer or any other officer authorised by the Presiding Officer in this regard;
- (n) **“interlocutory application”** means an application in any case, application, reference or review already instituted in the Adjudicatory Board for the purposes specified in regulation 10 of these regulations;
- (o) **“legal practitioner”** shall have the same meaning as assigned to it in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961 (25 of 1961);
- (p) **“member”** means the member of the Adjudicatory Board appointed by the Central Government under section 55 of the Act;
- (q) **“miscellaneous application”** means an application filed which does not fall under the definition of case, application, reference, review or interlocutory application;
- (r) **“party”** means a person who prefers a case, application, reference, review, interlocutory application or miscellaneous application before the Adjudicatory Board and includes the respondent;
- (s) **“pleadings”** means and includes a case, application, reference or review including interlocutory application, miscellaneous application, reply, rejoinder, statement, counter claim, additional statement or submissions under these regulations and as may be permitted by the Adjudicatory Board;
- (t) **“private operator”** means a person or body corporate who or which operates one or more port assets under a lease or license or agreement or contract in the major port or who has been authorized by the major port to provide services within the port limits or the land appurtenant thereto;

- (u) **“port user”** means a person who, either directly or through agents, avails of the services or facilities offered by any Major Port Authority and includes representative bodies of such port users;
 - (v) **“reference”** means a reference made by the Central Government or the Board of the Major Port Authority to the Adjudicatory Board under clause (e) of sub-section (1) of section 58 of the Act and categorized as ‘E’ under clause (e) of sub-rule (1) of rule 28 of the Rules;
 - (w) **“Registrar”** means the Registrar of the Adjudicatory Board appointed under sub-rule (1) of rule 29 of the Rules and includes an officer of the Adjudicatory Board who is authorised by the Presiding Officer to function as Registrar;
 - (x) **“Registry”** means the registry of the Adjudicatory Board where all the case, application, reference, review, interlocutory application, miscellaneous application or any other related document are received and thereafter submitted to the Registrar or Secretary as the case may be and also keeps records of the cases, applications, reviews, references, interlocutory applications, miscellaneous applications and other documents related thereto;
 - (y) **“Remote point”** means a place where any person or persons are required to be present or appear through a video link.
 - (z) **“Remote user”** means a user participating in Court proceedings through video conferencing at a Remote Point.
 - (aa) **“respondent”** means any such person or party against whom the case, application, reference, review, interlocutory application, miscellaneous application or any other related document is filed under the Rules and these Regulations;
 - (bb) **“review”** means a review filed under sub-section (1) of section 60 of the Act read with rule 55 of the Rules;
 - (cc) **“Rules”** means the Major Ports Adjudicatory Board Rules, 2023;
 - (dd) **“Secretary”** means the Secretary of the Adjudicatory Board appointed under sub-rule (1) of rule 29 of the Rules and includes an officer of the Adjudicatory Board who is authorised by the Presiding Officer to function as the Secretary;
 - (ee) **“Sent by post”** means sent by registered post or speed post with acknowledgement due or courier service;
 - (ff) **“Website”** means the official website including e-filing portal of the Adjudicatory Board made publicly available.
- (2) The words and expressions used in these regulations but not defined herein and defined in the Act or the Rules, shall have the same meaning respectively assigned to them in the Act or the Rules, as the case may be.

PART - II
Procedure for filing of case, application, etc.

3. Procedure for filing of case, application, etc.-

- (1) Every application, review or interlocutory application with respect to the following matters specified in Category B, C, D and F under clauses (b), (c), (d) and (f) of sub-rule (1) of rule 28

of the Rules shall be filed by the applicant to the Registrar or to an officer authorised in this behalf, in the manner described in sub-regulations (3) and (4) below.

- (a) Category B – Any dispute, difference or claim related to the rights and obligations of Major Ports and Public Private Partnership concessionaires or captive users for dedicated berth within the framework of their concession agreements under clause (b) of sub-section (1) of section 58 of the Act;
 - (b) Category C – Stressed Public Private Partnership projects referred by the Central Government or the Board of the Major Port Authority to the Adjudicatory Board under clause (c) of sub-section (1) of section 58 of the Act;
 - (c) Category D – 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 under clause (d) of sub-section (1) of section 58 of the Act;
 - (d) Category F – Applications from any person made under section 32 of the Act.
- (2) Every case, review or interlocutory application with respect to the following matter specified in Category A under clauses (a) of sub-rule (1) of rule 28 of the Rules, shall be filed by the applicant to the Secretary or to an officer authorised in this behalf in the manner described in sub-regulations (3) and (4) below.

Category A – Cases in respect of matters stipulated under clause (a) of sub-section (1) of section 58 of the Act viz. 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 tariff orders issued by the said Authority.

- (3) Every case, application, interlocutory application or review shall be filed by the applicant as per **Form Nos.1A or 1B or 1C or 1D** as applicable and as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 along with an affidavit.
- (4) Every case, application, interlocutory application or review under sub-regulations (1) and (2) shall be filed by the applicant either in person or sent by post or in stipulated electronic form i.e., by e-filing mode on the website designated in this behalf by the Adjudicatory Board. For the purpose of filing a case, application, review, interlocutory application or any document related thereto through e-filing mode, the applicant may refer the user guidelines issued in this behalf by the Adjudicatory Board from time to time.
- (5) The Adjudicatory Board shall not entertain any case, application, interlocutory application or review including public interest litigation from unrelated parties on any matter specified in sub-regulation (1) and (2) above.
- (6) Any case, application, interlocutory application or review filed under sub-regulation (4) above shall be deemed to have been filed on the day on which it is received in the office of the Registrar or Secretary, as the case may be.
- (7) Every case, application, interlocutory application, review or any document related thereto filed or presented for adjudication to the Adjudicatory Board or any officer of the Adjudicatory Board authorised in this behalf shall be in English and in case it is in some other language, it shall be accompanied by a copy translated in English and shall be fairly and legibly type written, lithographed or printed in double spacing on one side of standard A-4 size paper within an inner margin of about 3 cm width on both top and bottom and with a right margin of 2.5 cm, and left margin of 4 cm, duly paginated, indexed and stitched together in paper book form.
- (8) Every case, application, interlocutory application, review or any document related thereto-

- (a) shall be filed or presented in three authenticated copies by the applicant or by his duly authorised representative or by a legal practitioner duly appointed in this behalf, in the prescribed form together with the stipulated fee as per the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 and non-compliance of this may constitute a valid ground to refuse to entertain the same;
 - (b) shall be divided into paragraphs and shall be numbered consecutively and each paragraph shall contain as nearly as may be, a separate fact or allegation or point;
 - (c) shall explicitly state the following:-
 - (i) full name, description and complete address of each party and in case a party sues or being sued in a representative character, full name, description and complete address of the representative of such party;
 - (ii) facts of the case, list of dates, application or review sought;
 - (iii) point of issue; and
 - (iv) relief sought, if any;
 - (d) shall be accompanied by documents duly certified by the applicant or his authorised representative or legal practitioner filing such case, application, interlocutory application or review duly verified from the originals;
 - (e) shall contain the documents relied upon by the applicant which shall be numbered in 'A' series. For example, A-1, A-2, A-3 and so on.
- (9) The cause title in every case, application, interlocutory application or review shall state "Before the Adjudicatory Board for Major Ports" and where applicable, shall set out the proceedings or order of the Authority against which it is preferred.
- (10) All documents filed before or in the Adjudicatory Board shall be accompanied by an index containing their details and the amount of fee paid thereon.
- (11) In addition to regulation 8(a) above, sufficient number of copies of the case, application, review, interlocutory application or any document related thereto shall also be filed for service on the respondent and one copy for the registry of ABMP, as specified under these regulations. Manner of service on the respondent shall be governed by regulation 18 of these Regulations.
- (12) In matters pending before the Adjudicatory Board, all documents with reference to application, case, review or interlocutory application shall be filed or presented in three authenticated copies by the applicant to the Adjudicatory Board alongwith one copy for the registry of ABMP. The applicant shall also serve copies thereof on the respondent or their authorised representative and furnish a copy of proof of such service to the Adjudicatory Board.
- (13) The names of the parties in any case, application, review or interlocutory application shall be numbered consecutively and a separate line should be allotted to the name and description of each party. These numbers shall not be changed and in the event of the death, insolvency or winding-up of a party during the pendency of any case, application, review or interlocutory application his legal heirs, representatives, executors, administrators or successors, as the case may be, if more than one shall be shown by sub-numbers.
- (14) Where fresh parties are brought in, they may be numbered consecutively in the particular category, in which they are brought in.
- (15) Every proceeding shall state immediately after the cause title the provision of law under which it is preferred.

4. Procedure to make reference by the Central Government or Major Port Authority

- (1) Every reference or its review or interlocutory application with respect to following matter specified in Category E under clause (e) of sub-rule (1) of rule 28 of the Rules, shall be filed by the Central Government or the Major Port Authority to the Secretary or to an officer authorised in this behalf, in the manner described in sub-regulations (2), (3) and (4) below.
 - (a) Category E- Reference on any other matter relating to the operations of the Major Port, as may be referred by the Central Government or the Board of Major Port Authority under clause (e) of sub-section (1) of section 58 of the Act.
- (2) A reference to the Adjudicatory Board shall be filed by the Central Government or the Major Port Authority in English and in **Form No.1B** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 together with stipulated fee applicable to the Major Port Authority and such reference shall contain following particulars as prescribed under sub-rule (4) of rule 56 of the Rules:
 - (a) the specific proposition of law or fact or specific issue or policy or any other matter relating to the operations of the major port on which the suggestion or order is solicited;
 - (b) background and historical data relevant for the determination of the proposition or the issue or the policy or any other matter;
 - (c) copies of the relevant statutes including the rules, regulations, notifications, orders as considered necessary, if applicable;
 - (d) updated list of the parties involved with their complete addresses, telephone numbers, fax numbers, e-mail addresses; and
 - (e) where applicable, proof of having informed the parties concerned about the matter having been referred to the Adjudicatory Board for suggestions or order under clause (e) of sub-section (1) of section 58 of the Act, if applicable.
- (3) The contents of the reference or its review or interlocutory application along with the appendices and attachments thereto, shall be complete and duly signed by an officer not below the rank of—
 - (a) a Joint Secretary to the Government of India, if the reference or its review or interlocutory application has been made by the Central Government; and
 - (b) the Chairperson or the Deputy Chairperson or any other officer of the Major Port Authority authorized by the Board on their behalf, if the reference or its review or interlocutory application has been made by the Board of the Major Port Authority.
- (4) A reference or its review or interlocutory application under sub-regulation (1) above shall be filed either in person or sent by post or in stipulated electronic form i.e., by e-filing mode on the website designated in this behalf by the Adjudicatory Board. For the purpose of filing a reference, review or interlocutory application or any document related thereto through e-filing mode, the applicant may refer the user guidelines issued in this behalf by the Adjudicatory Board from time to time.
- (5) Any reference or its review or interlocutory application filed under sub-regulation (4) above shall be deemed to have been filed on the day on which it is received in the office of the Secretary.

- 5. Particulars to be set out in the address for service.-** The address for service of notice shall be filed with every case, application, reference, review, interlocutory application or any document related thereto and shall, as far as possible, contain the following details, namely:-
- (a) name of the respondent;
 - (b) the name of the road, street, lane and Municipal Division or Ward, Municipal Door and other number of the house, office or premises, as the case may be;
 - (c) the name of the town or village;
 - (d) the post office, postal district and pin code, and
 - (e) any other particulars necessary to locate and identify the addressee such as fax number, mobile number, valid e-mail address, if any.
- 6. Initialling alteration.-** Every interlineation, eraser or correction or deletion in any case, application, reference, review, interlocutory application or any document related thereto shall be initialled by the party or his authorised representative filing or presenting it.
- 7. Endorsement and verification.-**
- (1) At the foot of every case, application, reference, review, interlocutory application or any document related thereto shall appear the name and signature of the authorised representative along with seal, wherever, applicable.
 - (2) Every case, application, reference, review or any document related thereto shall be signed and verified by the party concerned in the manner provided by these regulations.
- 8. Production of authorisation for and on behalf of an association.-** Where a case, application, review or interlocutory application purported to be filed or presented by or on behalf of an association or a body corporate, the person or person(s) who sign(s) or verify(ies) the same shall produce a copy of the authorisation letter duly signed and sealed by the association or body corporate empowering such person(s) to do so, along with such case, application, review or interlocutory application, for verification by the Registry:
- Provided that the Registrar or Secretary as the case may be, may at any time call upon the party to produce such further materials as he deems fit for satisfying himself about due authorisation:
- Provided further that, if directed by the Adjudicatory Board, the applicant shall set out the list of members of the association or body corporate who may be impacted or for whose benefit the proceedings are instituted in such case, application, review or interlocutory application.
- 9. Interlocutory application.-**
- (1) Every interlocutory application for seeking stay, direction, condonation of delay, exemption from production of any document, extension of time or any other relief in matters pending before the Adjudicatory Board shall be in **Form No. 1C** alongwith index as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 and the requirements in that behalf shall be complied with by the applicant or the respondent, as the case may be, besides filing an affidavit supporting such interlocutory application.
 - (2) The corresponding provisions relating to procedure for filing of case, application or reference as specified under regulation 3 or regulation 4 of these regulations shall apply to filing of interlocutory application in respect of such case, application or reference.
- 10. Procedure on production of defaced, torn or damaged documents.-** When a document produced along with any case, application, reference, review, interlocutory application or pleading appears to be defaced, torn or in any way damaged or otherwise its condition or appearance requires special notice, a mention regarding its condition and appearance shall be

made by the party producing the same in the index of such case, application, reference, review, interlocutory application or pleading, and the same shall be verified and initialled by the officer authorised to receive the same.

PART - III

Fees

11. Fees

- (1) Every case, application, reference, review or interlocutory application filed under the Rules and these regulations, and any other miscellaneous application shall be accompanied with such fee as fixed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 from time to time.
- (2) Fees as fixed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 shall be payable for obtaining certified copy of any order or document in relation to any case, application, reference, review or interlocutory application filed under the Rules and these regulations.
- (3) The fees shall be paid either by means of a crossed demand draft drawn in favour of 'the Adjudicatory Board for Major Ports' payable at Mumbai or through digital payment mode in the designated bank account of the Adjudicatory Board or through online transfer on the website of the Adjudicatory Board, as decided by the Adjudicatory Board or any officer authorised by the Adjudicatory Board in that behalf, from time to time.
- (4) The fees received shall be entered into a receipt register to be maintained by the Registry of the Adjudicatory Board with details such as name of the person or entity remitting the payment, purpose of remittance, amount, number and date of demand draft or particulars of digital payment, as the case may be.
- (5) No fees shall be applicable in case of reference made by the Central Government under clause (e) of sub-section (1) of section 58 of the Act.

PART - IV

Procedure for scrutiny and registration

12. Procedure for scrutiny and registration of application.-

- (1) The Registrar shall immediately on receipt of an application, affix the date stamp of the Adjudicatory Board thereon and return the acknowledgement to the party filing the same and assign a diary number and thereafter send it for scrutiny.
- (2) Every application received in the Adjudicatory Board shall be scrutinized by the Registrar to check whether it conforms to the Rules and these regulations and whether the stipulated fee in respect of such application has been paid or not and the defects, if any shall be communicated to the party filing the same, within a reasonable time not exceeding fifteen days of the receipt of such application.
- (3) The party referred to in sub-regulation (2) shall, on receipt of the communication about the defects under sub-regulation (2), remove the defects within fifteen days of receiving the intimation.
- (4) The Registrar may for sufficient cause allow the party such reasonable time as he may consider necessary and extend the time for removal of defects for such period not exceeding one month from the date of receipt of the first intimation about removal of defects.

- (5) Where the party concerned fails to take any steps for the removal of defects in the application or the defects are not removed by him within the specified time including extended time, if granted, the application filed by such party shall be treated as invalid and the Registrar may, for reasons to be recorded in writing, decline to register the application:

Provided that the concerned party shall be entitled to file fresh application for consideration by the Adjudicatory Board together with the applicable fees.

- (6) In the event of the application having been treated as invalid under sub-regulation (5), the fee paid on such application shall stand forfeited.
- (7) The Registrar shall, after scrutiny and removal of defects, if any, in the application register the same by assigning a number and entering it into appropriate register maintained in this behalf and thereafter place the same for consideration by the Adjudicatory Board.

13. Procedure for scrutiny and registration of case.-

- (1) The Secretary shall immediately on receipt of any case affix the date stamp of the Adjudicatory Board thereon and return the acknowledgement to the party filing the same and assign a diary number and thereafter send it for scrutiny.
- (2) Every case received in the Adjudicatory Board shall be scrutinized by the Secretary to check whether it conforms to the Rules and these regulations and whether the stipulated fee stipulated in respect of such case has been paid or not and the defects, if any shall be communicated to the party filing the same, within a reasonable time not exceeding fifteen days of the receipt of such case.
- (3) The party referred to in sub-regulation (2) shall, on receipt of the communication about the defects under sub-regulation (2), remove the defects within fifteen days of receiving the intimation.
- (4) The Secretary may for sufficient cause allow the party such reasonable time as he may consider necessary and extend the time for removal of defects for such period not exceeding one month from the date of receipt of the first intimation about removal of defects.
- (5) Where the party concerned fails to take any steps for the removal of defects in the case or the defects are not removed by him within the specified time including extended time, if granted, the case filed by such party shall be treated as invalid and the Secretary may, for reasons to be recorded in writing, decline to register the case:

Provided that the concerned party shall be entitled to file fresh case for consideration by the Adjudicatory Board together with the applicable fees.

- (6) In the event of the case having been treated as invalid under sub-regulation (5), the fee paid on such case shall stand forfeited.
- (7) The Secretary shall, after preliminary scrutiny and removal of defects, if any, in the case place the case before the Adjudicatory Board for decision as to whether the matter is to be administratively decided or adjudicated; and if the case is to be adjudicated, register the same by assigning a number and entering in the register maintained in this behalf and thereafter place the same for consideration by the Adjudicatory Board.

14. Procedure for scrutiny and registration of reference:

The procedure for scrutiny of a case as specified under these regulations shall *mutatis mutandis* apply in case of scrutiny of any reference filed under these regulations.

15. Admission of case, application, reference, review or interlocutory application:

On registration of a case, application, reference, review or interlocutory application, the same shall be processed for admission before the Adjudicatory Board.

PART - V
Procedure for issuance of notice and service

16. Issue of notice.-

- (1) Notice for service of the application under Categories B, C, D or F or its review or interlocutory application shall be served by the Registrar or any authorised officer on the respondents as per **Form No.10A** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025. Further, notice on any other matter related thereto including notice for hearing shall be served by the Registrar on the concerned parties as per **Form No.10A** or **Form No. 10B** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025.
- (2) A copy of any case filed under Category A or any reference under Category E or its review or interlocutory application shall be served by the Secretary or any authorised officer on the concerned Board of the Major Port Authority and any other respondents or concerned stakeholders. Further, notice on any other matter related thereto including notice for hearing, if hearing is required, shall be served by the Secretary to the concerned parties and stakeholders, if any.
- (3) The service under sub-regulations (1) and (2) may be done by hand delivery, post or e-mail or through e-filing portal from the designated website of the Adjudicatory Board.
- (4) The notice for hearing shall show the date and place of filing the case, application, reference, review or interlocutory application, the name of the parties and their authorised representative, if any and any other details as deemed fit.
- (5) The Adjudicatory Board may order for issuing notice in appropriate cases and also permit the party concerned for service of the notice on the respondent by *Dasti* and in such case, deliver the notice to such party and it is for such party to file affidavit of service with its proof of acknowledgement with the Registry before the date fixed for hearing.
- (6) If the respondent does not appear on the date specified in the notice, the Adjudicatory Board may, in its discretion, adjourn the hearing or hear and decide the case, application, reference, review or interlocutory application, as the case may be, *ex parte*.

17. Service of notice and processes.-

- (1) Any notice or other document required to be served on or delivered to any person, under these regulations, may be served personally or sent by post or electronic mail at the address provided in the case, application, reference, review, interlocutory application or any document related thereto, as the case may be, or in case such address is not so provided then, at the place where the person ordinarily resides or carries on business or occupation or works for gain.
- (2) An endorsement made by a postal or courier employee that the addressee or his agent has refused to take delivery of the notice shall be deemed to be proof of service by way of refusal.
- (3) In case, the postal or courier employee reports that the addressee has since left or is not available at the given address, the Registrar or Secretary, as the case may be, or any officer of the

Adjudicatory Board authorised in this behalf, relying on the information so furnished, may take a view as it may deem appropriate and may proceed to take steps for substituted service.

- (4) Where notice or any other document was properly addressed, prepaid and duly sent by post, and the acknowledgement having been lost or mislaid or for any other reason, has not been received by the Registrar or Secretary, as the case may be, or any officer of the Adjudicatory Board authorised in this behalf, within thirty days from the date of issue of such notice or other document, the Registrar or Secretary or any officer of the Adjudicatory Board authorised in this behalf, may deem the service to be sufficient and may make a declaration accordingly.
 - (5) Where the service of notice or any other document is not possible under the above referred modes and where the addressee cannot be found or is not traceable, the service may be effected by way of affixing a copy of notice or other document on the conspicuous part of the house in which the recipient ordinarily resides or conspicuous part of place where the recipient carries on business or occupation or works for gain. Such service may be deemed to be sufficient in view of Rule 20 of Order V of the Code of Civil Procedure, 1908 (5 of 1908).
 - (6) Where the Registrar or Secretary, as the case may be, or any officer of the Adjudicatory Board authorised in this behalf is satisfied that, the recipient of the notice is avoiding service or that for any other reason notice or other document cannot be served in the ordinary way, he shall order service by an advertisement in the daily newspaper circulated in the locality where the recipient is last known to have resided or carried on business or occupation or worked for gain.
 - (7) Where a notice or other document issued by the Registrar or Secretary, as the case may be, or any officer of the Adjudicatory Board authorised in this behalf, is served by the party himself by hand delivery, he shall file with the concerned officer of the Adjudicatory Board, the acknowledgement together with an affidavit of service and in case of service by registered post, speed post or courier, file with the concerned officer of the Adjudicatory Board, an affidavit of service of notice along with the proof of delivery.
- 18. Entry regarding service of notice or process-** The Registry shall record in the column in the order sheet 'Notes of the Registry', the details regarding completion of service of notice on the respondent, such as date of issue of notice, date of service, date of return of notice, if unserved, steps taken for issuing fresh notice, if any, date of completion of services and any other related matter.

PART - VI
Affidavits

19. Filing of Affidavits.-

- (1) Every case, application, review, interlocutory application, reply or rejoinder, shall be verified by an affidavit in **Form No.3A** and **Form No.3B** (applicable for additional applicant(s)) as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025.
- (2) Every affidavit shall be titled as 'Before the Adjudicatory Board for Major Ports' and state the subject title of the case, application, review, interlocutory application or other proceeding in which the affidavit is sought to be used.
- (3) The affidavit shall conform to the requirements of Order XIX, Rule 3 of Civil Procedure Code, 1908 (5 of 1908).
- (4) Affidavits shall be sworn or affirmed before an advocate or notary, who shall affix his official seal.
- (5) Where an affidavit is sworn or affirmed by any person who appears to be illiterate, visually challenged or unacquainted with the language in which the affidavit is written, the attester shall certify that the affidavit was read, explained or translated by him or in his presence to the deponent and that he seemed to understand it, and made his signature or mark in the presence of the attester in **Form No. 4** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025.
- (6) Any document accompanying an affidavit shall be referred to therein as Annexure number and the attester shall make the endorsement thereon that this is the document marked putting the Annexure number in the affidavit. The attester shall sign therein and shall mention the name and his designation.

20. Production of evidence by affidavit.-

- (1) The Adjudicatory Board may direct the parties to give evidence, if any, by affidavit.
- (2) Notwithstanding anything contained in sub-regulation (1), where the Adjudicatory Board considers it necessary in the interest of natural justice, it may order cross-examination of any deponent on the points of conflict either through information and communication technology facilities such as video conferencing or otherwise as may be decided by the Adjudicatory Board, on an application moved in this behalf by any party.
- (3) Every affidavit under sub-regulation (1) to be filed before the Adjudicatory Board shall be in **Form No.8** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025.

PART - VII

Procedure for filing reply, rejoinder and review, and related matters

21. Filing of reply and other documents by respondent.-

- (1) On receipt of notice under these regulations, the respondent may file his reply in the **Form No. 2** along with index and Affidavit in the **Form No.3A** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 along with documents, if any, relied upon by him in three authenticated copies in paper book form alongwith one copy for the registry of ABMP within the time permitted by the Adjudicatory Board before the date of hearing and; such reply and copies of documents shall form part of the record.

- (2) The reply under sub-regulation (1) may be filed by the respondent(s) in person or through an authorised representative or a duly authorised legal practitioner to —
 - (a) the Secretary, if the reply pertains to a case under Category A or reference under Category E or its review or an interlocutory application filed in respect of such case or review; and
 - (b) the Registrar, if the reply pertains to an application under Categories B, C, D or F or its review or an interlocutory application filed in respect of such application or review.
- (3) The reply under sub-regulation (1) shall be filed by the respondent either in person or sent by post or in stipulated electronic form i.e., by e-filing mode on the website designated in this behalf by the Adjudicatory Board. For the purpose of filing a reply or any document related thereto through e-filing mode, the respondent may refer the user guidelines issued in this behalf by the Adjudicatory Board from time to time.
- (4) Any reply filed under sub-regulation (3) shall be deemed to have been filed on the day on which it is received in the office of the Secretary or the Registrar, as the case may be.
- (5) In the reply filed under sub-regulation (1), the respondent shall specifically admit, deny or rebut the facts stated by the applicant in his case, application, reference, review or interlocutory application and state such additional facts as may be found necessary in his reply.
- (6) The documents accompanying the reply shall also be filed along with the reply and the same shall be marked in R series. For example, for Respondent No.1, it will be R1-1, R1-2, R1-3 and so on and for Respondent No.2, it will be R2-1, R2-2, R2-3 and so on.
- (7) The respondent shall also serve a copy of the reply along with documents as mentioned in sub-regulation (6) on the applicant and file proof of such service with the officer of the Adjudicatory Board authorised to receive the same. For this purpose, respondent shall be governed by regulation 18 of these Regulations.
- (8) The Adjudicatory Board may allow filing of the reply after the expiry of the specified period with or without cost.
- (9) The Adjudicatory Board may permit the parties to amend the pleadings in the same manner as provided under Order VI, Rule 17 of the Code of Civil Procedure, 1908 (5 of 1908).
- (10) Every interlineation, eraser or correction or deletion in any reply, rejoinder or any document related thereto shall be initialled by the party or his authorised representative filing or presenting it.

22. Filing of Rejoinder.-

- (1) Where the respondent states such additional facts as may be necessary for the just decision of the case, application, reference, review or interlocutory application, the Adjudicatory Board may allow the applicant to file a rejoinder to the reply filed by the respondent within the time prescribed by the Adjudicatory Board in **Form No.7** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 along with index.
- (2) The corresponding provisions relating to procedure for filing of case, application or reference as specified in regulation 3 or regulation 4 of these Regulations shall apply to filing of rejoinder in such case, application or reference.

- (3) The rejoinder filed in the case, application, review or interlocutory application shall be accompanied with an Affidavit, in **Form No. 3A** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025.
- (4) The applicant shall serve a copy of the rejoinder along with documents, if any, on the respondent and file the proof of service with the officer of the Adjudicatory Board authorised to receive the same. For this purpose, the applicant shall be governed by regulation 18 of these Regulations.

23. Application for review.-

- (1) No application for review of any order in any case, application or reference shall be entertained by the Adjudicatory Board, unless it is filed before the Registrar or the Secretary, as the case may be, by an aggrieved party in **Form No. 1D** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 along with index and documents, if any, together with stipulated fee within thirty days from the date of receipt of copy of the order sought to be reviewed and is filed on account of some mistake or error apparent on the face of the record only. The mistake or error apparent on the face of the record shall be explicitly stated in the review application.
- (2) The application for review may be filed in person or sent by post or in stipulated electronic form i.e., by e-filing mode on the website designated in this behalf by the Adjudicatory Board. For the purpose of filing a review or any document related thereto through e-filing mode, the applicant may refer the user guidelines issued in this behalf by the Adjudicatory Board from time to time.
- (3) A review filed under sub-regulation (2) above shall be deemed to have been filed on the day on which it is received in the office of the Registrar or Secretary, as the case may be.
- (4) No application for review shall be entertained unless it is supported by a duly sworn affidavit in **Form No. 3A** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025.
- (5) The corresponding provisions relating to procedure for filing of case, application or reference as specified under in regulation 3 or regulation 4 of these regulations, shall apply to filing of review in respect of such case, application or reference.
- (6) The applicant may serve a copy of the review application on each of the Respondent and file proof of service to the officer of the Adjudicatory Board authorised to receive the same. For this purpose, applicant shall be governed by regulation 18 of these Regulations.
- (7) The procedure for filing of reply, if any, by the respondent in a review application shall be governed by regulation 22 of these Regulations.
- (8) Where an application for review of any order has been disposed of by the Adjudicatory Board, thereafter no application for further review shall lie.
- (9) The Presiding Officer may for sufficient cause allow the party such reasonable time as he may consider necessary not exceeding six months from the date of receipt of order for filing of the review application by condoning the delay.

- 24. Procedure for scrutiny of reply, rejoinder or review-** The procedure for scrutiny of a case, application or reference as specified under these regulations shall *mutatis mutandis* apply in case of scrutiny of any reply, rejoinder or review filed in respect of such case, application or reference.

PART - VIII
Cause List

25. Preparation and publication of cause list.-

- (1) The Registry shall prepare daily / weekly/ fortnightly/ monthly cause list in advance and publish it on the notice board of the Registry and on the designated website of the Adjudicatory Board subject to the directions of the Presiding Officer.
- (2) Listing of cases, applications, reviews, references, interlocutory applications and other related matters in the cause list may generally be in the following order of priority subject to the directions of the Presiding Officer or any other official of the Adjudicatory Board as authorised by the Presiding Officer.
 - (a) for admission;
 - (b) for clarification;
 - (c) for interlocutory application;
 - (d) partly heard matters;
 - (e) for orders or directions;
 - (f) for pronouncement of judgement; and
 - (g) Miscellaneous matters.
- (3) The title of the cause list shall consist of the number of the case, application, reference, review or interlocutory application, the day, date and time of sitting of the Adjudicatory Board, and the quorum indicating the names of the Presiding Officer and member(s) of the Adjudicatory Board hearing the matter.
- (4) Against the number of each case, application, reference, review and interlocutory application listed in the cause list, the following shall be shown, namely:-
 - (a) purpose;
 - (b) name of the parties;
 - (c) names of the authorised representative or legal practitioners, if any, appearing for the parties;
 - (d) any other details.
- (5) The objections and special directions, if any, shall be briefly indicated by the Registry in the cause list in remarks column, whenever compliance is required.

26. Carry forward of cause list and adjournment of cases, application, etc. -

- (1) If by reason of declaration of holiday or for any other unforeseen reason, the Adjudicatory Board does not function for the day, the cause list for that day, unless otherwise directed by the Presiding Officer or any officer of the Adjudicatory Board authorised in that behalf, be treated as the cause list for the next working day in addition to the cases, applications, references, review or interlocutory application, if any, posted for that day.
- (2) If on any day, the sitting of the Adjudicatory Board is cancelled for the reason of inability of the Presiding Officer or a member of the Adjudicatory Board, the Registrar or any other officer of the Adjudicatory Board authorised in that behalf, shall, unless otherwise directed, adjourn the cases, applications, reviews, references or interlocutory application posted for that day to a convenient date in addition to the matters, if any, posted for that day and the adjournment or posting or directions shall be published on the notice board of the Registry and the designated website of the Adjudicatory Board.

- (3) The Presiding Officer may for sufficient reason adjourn the hearing of any case, application, reference, review or interlocutory application.

PART – IX
Hearings

27. Hearing of cases-

- (1) For hearing cases, the Adjudicatory Board shall adopt a consultative process so as to promote the greatest participation of the greatest number of interested parties including Major Port Authorities, private operators and port users.
- (2) The hearings under sub-regulation (1) shall be organised on behalf of the Adjudicatory Board by the Presiding Officer or any member or members authorised by the Presiding Officer.
- (3) The mode of hearing by the Adjudicatory Board can either be a physical in-person or a virtual hearing through video conferencing or with hybrid mode allowing parties to participate remotely or in person in the same case.
- (4) The virtual hearing through video conferencing shall be governed by the following general principles:
- (i). Video conferencing facilities may be used at all stages of judicial proceedings and proceedings conducted by the Adjudicatory Board.
 - (ii). All proceedings conducted by the Adjudicatory Board by way of video conferencing shall be judicial proceedings and all the courtesies and protocols applicable to a physical hearing shall apply to these virtual proceedings.
 - (iii). All relevant statutory provisions applicable to judicial proceedings including provisions of the Code of Civil Procedure, 1908, Bharatiya Sakshya Adhinyam, 2023, (earlier known as the Indian Evidence Act), and Information Technology Act, 2000, and any other law applicable to the proceedings, shall apply to proceedings conducted by video conferencing.
 - (iv). For virtual hearing through Video Conference, the concerned official of Adjudicatory Board shall send the link / Meeting ID / Room Details via the email id furnished by the party / Advocate or through any other mode.
 - (v). The parties to the Video Conferencing are to ensure that the link of video conferencing shared by the Adjudicatory Board should be shared only with authorized persons or persons related to the case. No other persons will be permitted to participate in the virtual hearing, save and except with the permission of the court.
 - (vi). If in the course of virtual hearing, party is at a Remote Point and it is necessary to show a document to the person, the Adjudicatory Board may permit the document to be shown in electronic mode. The hard copy of such documents shared by the party at remote location shall be self-attested and dispatched thereafter to Adjudicatory Board.
 - (vii). If in the course of virtual hearing, the document is at the Adjudicatory Board Point and it is necessary to show such document to the person at remote point, the Adjudicatory Board may permit the document to be shown in electronic mode.
 - (viii). Participation in the proceedings shall constitute consent by the participants to the proceedings being recorded by video conferencing.

- (ix) There shall be no unauthorized recording of the proceedings by any person or entity.
- (x). The Adjudicatory Board may adopt technological advances as may become available from time to time for virtual hearings.
- (xi). The User Manual detailing the protocol and the procedure to be adhered to by the parties during the virtual hearing are hosted on the website of the Adjudicatory Board. The Adjudicatory Board reserves rights to amend the User Manual from time to time, to facilitate smooth conduct of virtual hearings.

28. Date and place of hearing to be notified-

- (1) Notice for hearing shall be issued by the Adjudicatory Board or any other officer authorised in this regard by the Adjudicatory Board as per **Form No.10A** or **Form No. 10B** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations.
- (2) Where at any stage prior to the hearing of any case, application, reference, review or interlocutory application, the applicant desires to withdraw such case, application, reference, review or interlocutory application, he shall make an application to that effect to the Adjudicatory Board, and the Adjudicatory Board on hearing the applicant and if necessary, such other party arrayed as opposite party in the said matter or otherwise, may permit such withdrawal upon imposing such costs as it may deem fit and proper for the Adjudicatory Board in the interests of the justice.

29. Quorum for hearing by Adjudicatory Board.-

- (1) The **quorum** for hearing of any case or reference to be decided administratively by the Board, or an interlocutory application or review in such matters shall constitute of the Presiding Officer, or any member or members of the Adjudicatory Board as authorised by the Adjudicatory Board in this behalf.
- (2) The **quorum** for hearing of any application, reference to be adjudicated or its review or interlocutory application in such application, reference or review of any case shall constitute of the Presiding Officer and at least one Member of the Adjudicatory Board.

30. Action on case, application, reference, review or interlocutory application for applicant's default-

- (1) Where on the date fixed for hearing of the case, application, reference, review interlocutory application or any other date to which such hearing may be adjourned, the applicant does not appear when called for hearing, the Adjudicatory Board may, in its discretion, either dismiss the case, application, reference, review or interlocutory application for default or hear and decide it on merits.
- (2) Where the case, application, reference, review or interlocutory application has been dismissed for default and the applicant files an application within thirty days from the date of dismissal and satisfies the Adjudicatory Board that there was sufficient cause for his non-appearance when the case, application, reference, review or interlocutory application was called for hearing, the Adjudicatory Board shall make an order setting aside the order dismissing the said case, application, reference, review or interlocutory application and restore the same:

Provided that, where the case, application, reference or interlocutory application has been disposed of on merits, the same shall not be reopened except by way of review.

31. Ex parte hearing and disposal of case, application, reference, review or interlocutory application -

- (1) Where on the date fixed for hearing or any other date to which such hearing has been adjourned, the applicant appears and the respondent does not appear, the Adjudicatory Board may, in its discretion, adjourn the hearing or hear and decide the case, application, reference, review or interlocutory application *ex parte*.
- (2) Where case, application, reference, review or interlocutory application has been heard *ex parte* against a respondent or respondents, such respondent or respondents may apply within thirty days from the date of order of the Adjudicatory Board for an order to set aside and if such respondent or respondents satisfy the Adjudicatory Board that the notice was not duly served, or that he or they were prevented by any sufficient cause from appearing when the case, application, reference, review or interlocutory application was called for hearing, the Adjudicatory Board may make an order setting aside the *ex parte* hearing as against him or them upon such terms as it thinks fit, and shall appoint a day for proceeding on the said matter:

Provided that where the *ex parte* hearing of the case, application, reference, review or interlocutory application is of such nature that it cannot be set aside as against one respondent only, it may be set aside as against all or any of the other respondents also.

32. Adjournment of hearing-

- (1) The Adjudicatory Board may, if sufficient cause is shown at any stage of proceedings, grant time to the parties or any of them and adjourn the hearing.
- (2) The Adjudicatory Board may make such order as it deems fit with respect to the costs occasioned by the adjournment.
- (3) All adjournments shall be to a day certain, and no case, application, reference, review or interlocutory application shall be adjourned *sine die* except for the reasons recorded in writing.
- (4) The Adjudicatory Board shall have the power to decline an adjournment.

PART - X

Appearance of Advocate or Legal Practitioner or Authorised Representative

- 33. Appearance of Advocate or Legal Practitioner or Authorised Representative -** No advocate or legal practitioner or authorised representative shall be entitled to appear and act, in any proceeding before the Adjudicatory Board unless he files before the Adjudicatory Board a Vakalatnama in **Form No. 5A** (for Advocate/ Legal Practitioner) or **Form No. 5B** (for authorised representative) or **Form No. 6** (Memorandum of appearance) as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 and duly executed by or on behalf of the party for whom he appears.
- 34. Consent for engaging another advocate or legal practitioner-** An advocate or legal practitioner proposing to file a Vakalatnama or Memorandum of Appearance, as the case may be, in any pending proceeding before the Adjudicatory Board in which there is already an advocate or legal practitioner on record, shall do so only with the written consent of such advocate or legal practitioner on record or when such consent is refused, with the permission of the Adjudicatory Board after the revocation of Vakalatnama or Memorandum of Appearance, as the case may be, on an application filed in this behalf, which shall receive consideration only after service of such application on the counsel already on record.
- 35. Restrictions on appearance-** An advocate or legal practitioner or the authorised representative as the case may be, who has tendered advice in connection with the institution on any matter or other proceeding before the Adjudicatory Board or has drawn pleadings in connection with any

such matter or has during the progress of any such matter acted for a party, shall not, appear in such matter or proceeding or other matter arising therefrom or in any matter connected therewith for any person whose interest is opposed to that of his former client, except with the prior permission of the Adjudicatory Board.

36. Substitution of legal representatives-

- (1) Where a party to a proceeding pending before the Adjudicatory Board dies or is adjudged insolvent or, in the case of a company, being wound up, the proceeding shall not abate and may be continued by or against the executor, administrator or other legal representative of the parties or by or against the assignee, receiver or liquidator, as the case may be.
- (2) In the case of death of a party during the pendency of the proceedings before the Adjudicatory Board, the legal representative of the deceased party may apply within ninety days from the date of such death for being brought on record.
- (3) Where no application is received from the legal representatives within the period specified in sub-regulation (2), the proceedings shall abate:

Provided that for good and sufficient reasons shown, the Adjudicatory Board may allow substitution of the legal representatives of the deceased at any time before disposing the application on merits.

PART - XI

Discovery, production and return of documents

37. Application for production of documents, form of summons.-

- (1) Except otherwise provided hereunder, discovery or production and return of documents shall be regulated by the provisions of the Code of Civil Procedure, 1908 (5 of 1908).
- (2) At the request made by either of the parties, the Adjudicatory Board may issue an application for summons to produce documents setting out the document the production of which is sought, the relevancy of the document and whether to be produced in original or certified copy. Where the production of a certified copy is sought, it shall be certified by the proper officer.
- (3) A summons for production of documents shall be in the **Form No. 11A** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 and shall be addressed to the concerned head of the organisation or department or such other authority as may be specified by the Adjudicatory Board.
- (4) The Adjudicatory Board may direct the party to deposit with the Adjudicatory Board by way of crossed Demand Draft drawn in favour of the Adjudicatory Board for Major Ports or through digital payment mode a sum sufficient to defray the expenses for transmission of the records before the summons is issued.

38. *Suo motu* summoning of documents.- Notwithstanding anything contained in these regulations, the Adjudicatory Board may, *suo motu*, issue summons in **Form No.11A** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 for production of any document.

39. Marking of documents by Adjudicatory Board.- The documents when produced shall be marked as follows:

- (a) if relied upon by the applicant's side, they shall be numbered as 'A' series in continuation to their original filing;

- (b) if relied upon by the respondent's side, they shall be marked as 'R' series in continuation to their reply;
- (c) the Adjudicatory Board exhibits shall be marked as 'B' series.

40. Return and transmission of documents.-

- (1) An application for return of the original documents produced shall be considered by the Adjudicatory Board and no such application shall be entertained after the destruction of the records.
- (2) The Adjudicatory Board may, at any time, direct return of documents produced subject to such conditions as it deems fit.

PART - XII
Examination of Witnesses and Issue of Commissions

41. Procedure for examination of witnesses, issue of Commissions.- The provisions of the Orders XVI and XXVI of the Code of Civil Procedure, 1908 (5 of 1908), shall *mutatis mutandis* apply in the matter of summoning and enforcing attendance of any person and examining him on oath and issuing commission for the examination of witnesses or for production of documents. Summons for enforcing attendance of a person may be issued by the Adjudicatory Board as per **Form No. 11B** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025.

42. Examination in camera.- The Adjudicatory Board may in its discretion examine any witness in camera.

43. Form of oath or affirmation to witness.- Oath shall be administered to a witness in the following form :

"I do swear in the name of God/solemnly affirm that what I shall state shall be truth, the whole truth and nothing but the truth".

44. Form of oath or affirmation to interpreter.- Oath or solemn affirmation shall be administered to the interpreter in the following form before the Adjudicatory Board or any officer authorised by the Adjudicatory Board in this behalf, as taken for examining a witness:

"I do swear in the name of God/solemnly affirm that I will faithfully and truly interpret and explain all questions put to and evidence given by witness and translate correctly and accurately all documents given to me for translation."

45. Officer to administer oath.- The oath or affirmation shall be administered by an officer authorised by the Presiding Officer in this behalf.

46. Numbering of witnesses.- The witnesses called by the applicant shall be numbered consecutively as AWs and those by the respondents as RWs.

47. Form recording of deposition.-

- (1) The deposition of a witness shall be recorded in the **Form No.12** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025.
- (2) Each page of the deposition shall be initialled by the Presiding Officer and member(s) of the Adjudicatory Board sitting on the bench.

(3) Corrections, if any, pointed out by the witness may, if the Adjudicatory Board is satisfied, be carried out and duly initialled. If not satisfied, a note to the effect be appended at the bottom of the deposition.

48. Grant of discharge certificate.- Witness discharged by the Adjudicatory Board may be granted a certificate in **Form No.13** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 by the Registrar or any other officer of the Adjudicatory Board authorised in this regard by the Registrar.

49. Witness allowance payable.-

(1) Where the Adjudicatory Board issues summons to a government servant to give evidence or to produce documents, the person so summoned may draw from the Government travelling and daily allowances admissible to him as per his service rules.

(2) Where there is no provision for payment of travelling allowances and daily allowance by the employer to the person summoned to give evidence or to produce documents, he shall be entitled to be paid as allowance, a sum in the opinion of the Registrar sufficient to defray the travelling and other expenses, having regard to the status and position of the witness.

(3) The party applying for the summons shall deposit with the Registrar the amount of allowance as estimated by the Registrar well before the summons is issued.

(4) If the witness is summoned suo muto by Adjudicatory Board for Major Ports, the amount estimated by the Registrar shall be paid as per the directions of the Adjudicatory Board.

(5) The aforesaid provisions would govern the payment of allowances to the interpreter as well.

PART – XIII

Power of Adjudicatory Board to call for further information or evidence

50. Power of Adjudicatory Board to call for further information or evidence-

(1) The Adjudicatory Board may, before passing orders in any case, application, reference, review or interlocutory application, require the applicant or respondent or both of them, to produce such further documentary or other evidence as it may consider necessary:

(a) for the purpose of satisfying itself as to the truth of the allegations made in such case, application, reference, review or interlocutory application; or

(b) for ascertaining any information which, in the opinion of the Adjudicatory Board, is necessary for the purpose of enabling it to pass orders in such case, application, reference, review or interlocutory application.

(2) Without prejudice to sub-regulation (1), the Adjudicatory Board may, for the purpose of inquiry or investigation, as the case may be, admit such documentary and other mode of recordings in electronic form including e-mails, books of accounts, book or paper, written communications, statements, contracts, electronic certificates and such other similar mode of transactions as may legally be permitted to take into account of those as admissible as evidence under the relevant laws.

(3) The Adjudicatory Board, where it deems it necessary and for reasons to be recorded in writing, may allow oral evidence to be adduced. The Adjudicatory Board shall have powers to limit the time for oral arguments.

PART – XIV
Record of proceedings

51. Diaries.-

- (1) Diaries shall be kept by the clerk-in-charge in such form as may be specified by the Adjudicatory Board in each case, application, reference, review or interlocutory application and they shall be written legibly.
- (2) The diary in the main file shall contain a concise history of the case, application, reference, review or interlocutory application, the substance of the order passed thereon and shall be checked by the concerned officer of the Adjudicatory Board and initialled once in a fortnight.

52. Order sheet.-

- (1) All orders passed by the Adjudicatory Board shall be in English and the same shall be signed by the Presiding Officer and Member(s) of the Adjudicatory Board who have passed the order:

Provided that the routine orders, such as call for of the records, put up with records and any other order as may be directed by the Presiding Officer of the Adjudicatory Board shall be signed by an officer of the Adjudicatory Board authorised in this behalf.

- (2) An officer authorised by the Adjudicatory Board shall maintain order sheet in every proceeding, which shall contain all orders passed by the Adjudicatory Board from time to time.
- (3) The order sheet shall also contain the reference number of the case, application, reference, review or interlocutory application, date of order and all incidental details including short cause title thereof.

53. Record of proceedings.-

- (1) An officer authorised by the Adjudicatory Board shall maintain legibly a diary, wherein he shall record the proceedings of the Adjudicatory Board for each sitting with respect to the cases, applications, reference, review or interlocutory application listed in the cause list.
- (2) The matters to be recorded in the diary shall include amongst other details, details as to whether the case, application, reference, review or interlocutory application, as the case may be, is adjourned, or part-heard or heard and disposed of or heard and orders reserved, as the case may be, along with dates of next sitting wherever applicable.

54. Statutes or citations for reference.- The parties or legal practitioners shall, before the commencement of the proceedings for the day, furnish to an officer authorised by the Adjudicatory Board in this behalf, a list of law journals, reports, statutes and other citations, which may be needed for reference or photocopy of full text thereof.

55. Calling of matters listed in cause list.- Subject to the orders of the Adjudicatory Board, an officer authorised by the Adjudicatory Board shall call the matters listed in the cause list in the serial order.

56. Regulation of the work of Adjudicatory Board.-

- (1) When the Adjudicatory Board is holding a sitting, the Deputy Registrar or any other officer of the Adjudicatory Board authorised in that behalf shall ensure that:
 - (a) no inconvenience or wastage of time is caused to the Adjudicatory Board in making available the services of any official or stenographer or peon or attender;

- (b) perfect silence is maintained in and around the room where the Adjudicatory Board is holding a sitting and no disturbance whatsoever is caused to the functioning of the Adjudicatory Board and that proper care is taken to maintain the dignity and decorum of the Adjudicatory Board.
- (2) When the Adjudicatory Board passes an order or issues directions, the concerned officer of the Adjudicatory Board shall ensure that the records of the matter along with proceedings or orders or directions of the Adjudicatory Board are transmitted immediately to the Registry and the Registry shall thereafter verify such records with reference to the cause list and take immediate steps to communicate the orders or directions of the Adjudicatory Board.

PART – XVI

Issuance and pronouncement of orders and matters related thereto

57. Matters relating to the orders of the Adjudicatory Board.-

- (1) Once the final text of any order passed by the Adjudicatory Board in any case, application, reference, review or interlocutory application has been approved and adopted, it shall contain the name of the Presiding Officer and the member or members of the Adjudicatory Board who have passed such order and the same shall be signed and dated by them.
- (2) Any member of the Adjudicatory Board differing as to the grounds upon which the order was based or some of its conclusions, or dissenting from the judgment, may append a separate or dissenting opinion. The decision passed by the majority shall be final.
- (3) In case the members of the Adjudicatory Board who have heard any case, application, reference, review or interlocutory application are equally divided in passing the order, then such case, application, reference, review or interlocutory application shall be heard by the Presiding Officer and both the members of the Adjudicatory Board and the decision passed by the majority shall be final.

58. Issuance of orders- The Adjudicatory Board shall send a copy of every order made by it to the applicant and the respondent free of cost:

Provided that unless otherwise ordered by the Adjudicatory Board, a copy of the final order need not be sent to any respondent who has not entered appearance.

59. Operative portion of the order- All orders or directions of the Adjudicatory Board shall be stated in clear and precise terms in the last paragraph of the order.

60. Corrections- Every member of the Adjudicatory Board who has prepared the order shall initial all corrections and affix his initials at the bottom of each page.

61. Pronouncement of order by any one member of the Adjudicatory Board-

- (1) Any member of the Adjudicatory Board may pronounce the order for and on behalf of the Adjudicatory Board.
- (2) When an order is pronounced under sub-regulation (1), an officer authorised by the Presiding Officer shall make a note in the order sheet, that the order of the Adjudicatory Board consisting of the Presiding Officer and member or members of the Adjudicatory Board was pronounced in open on behalf of the Adjudicatory Board.

62. Authorising any member to pronounce order-

- (1) If the members of the Adjudicatory Board who heard the case, application, reference, review or interlocutory application are not readily available or have ceased to be members of the Adjudicatory Board, the Presiding Officer may authorise any other member of the Adjudicatory Board to pronounce the order on his behalf after being satisfied that the order has been duly prepared and signed by all the members of the Adjudicatory Board who heard such case, application, reference, interlocutory application or review.
- (2) The order pronounced by the member so authorised shall be deemed to be duly pronounced.
- (3) The member so authorised for pronouncement of the order shall affix his signature in the order sheet of the case, application, reference, review or interlocutory application stating that he has pronounced the order as provided in this regulation.
- (4) If the order cannot be signed by reason of death, retirement or resignation or for any other reason by any one of the members of the Adjudicatory Board who heard the case, application, reference, review or interlocutory application, it shall be deemed to have been released from part heard and listed afresh for hearing.

63. Recusal.-

- (1) For the purpose of maintaining the high standards and integrity of the Adjudicatory Board, the Presiding Officer or a member of the Adjudicatory Board shall recuse himself:-
 - (a) in any case, application, reference, review or interlocutory application involving persons with whom the Presiding Officer or such member has or had a personal, familial or professional relationship;
 - (b) in any case, application, reference, review or interlocutory application concerning which the Presiding Officer or such member has previously been called upon in another capacity, including as advisor, representative, expert or witness; or
 - (c) if there exist other circumstances such as to make the Presiding Officer or such member's participation seem inappropriate.
- (2) The Presiding Officer or any member of the Adjudicatory Board recusing himself may record reasons for recusal:

Provided that no party to the proceedings or any other person shall have a right to know the reasons for recusal by the Presiding Officer or such member in the concerned case, application, reference, review or interlocutory application.

64. Rectification of Order.-

- (1) Any clerical or arithmetical mistakes in any order of the Adjudicatory Board or error therein arising from any accidental slip or omission may, at any time, be corrected by the Adjudicatory Board on its own motion or on application of any party by way of rectification.
- (2) An application under paragraph (1) may be made in **Form No.9** as prescribed in the Adjudicatory Board for Major Ports (Fees and Forms) Regulations, 2025 within thirty days from the date of the final order for rectification of the final order not being an interlocutory order.

65. Format of order.-

- (1) All orders passed by the Adjudicatory Board shall be neatly and fairly typewritten in double space on one side only on standard A-4 size paper with left side margin of 4 cm and right side margin of 2.5 cm. Corrections, if any, in the order shall be carried out neatly and sufficient space may be left both at the bottom and at the top of each page of the order to make its appearance elegant.
- (2) Members constituting the Adjudicatory Board shall affix their signatures in the order of their seniority from right to left.

66. Indexing of case files after disposal.- After communication of the order to the parties or legal practitioners, the official concerned shall arrange the records with pagination and prepare in the Index Sheet in the Form to be prescribed by the Registrar. He shall affix initials and then transmit the records with the Index initials to the records room.

67. Copies of orders in library.-

- (1) The officer in charge of the Registry shall send copies of every final order to the library of the Adjudicatory Board.
- (2) Copies of all orders received in each month shall be kept at the library in a separate folder, arranged in the order of date of pronouncement and duly indexed.
- (3) At the end of every year, copies of all final orders passed during the year shall be stitched and a consolidated index shall be prepared and kept in a separate file in the library.
- (4) The order folders and the indices may be made available for reference in the library.

PART - XVII

Maintenance of registers and records

68. Registers to be maintained.- The following registers shall be maintained by the Registry of the Adjudicatory Board or by such officer or officers as the Registrar may direct –

- (a) register of cases, applications, references and reviews;
- (b) register of provisional cases, applications, references and reviews;
- (c) register of interlocutory applications;
- (d) register of fees and other charges received by the Adjudicatory Board;
- (e) any other registers as deemed fit.

69. Maintenance of receipt register. –

- (1) If any payment has been received by way of crossed demand drafts or by digital mode, the transaction shall be entered immediately by the registration clerk on the receipt side in a receipt register kept for the purpose.
- (2) On every next working day, the payments received by way of crossed demand drafts or proof of payment made by digital mode shall be transmitted to the concerned official vested with the work pertaining to the accounts who after scrutiny and verification shall acknowledge the receipt of all moneys and make entry in the receipt register.
- (3) The official referred to in sub-regulation (2) shall deposit all payments received by way of crossed demand draft in the bank account of the Adjudicatory Board.

- 70. Arrangement of records in pending matters.-** The record of cases, applications, references, reviews or interlocutory application, as the case may be, shall be divided into the following three parts and shall be collated and maintained in:
- (a) main file;
 - (b) miscellaneous file; and
 - (c) process file.
- 71. Contents of main file.-** The main file shall be kept in the following order and it shall be maintained as permanent record till ordered to be destroyed under these regulations:-
- (a) index;
 - (b) order sheet;
 - (c) final order or recommendation;
 - (d) memo of case, application, reference, review or interlocutory application, as the case may be, together with any schedule annexed thereto;
 - (e) counter or reply or objection, if any;
 - (f) (i) oral evidence or proof of affidavit;
(ii) evidence taken on commission; and
(iii) documentary evidence;
 - (g) written arguments.
- 72. Contents of process file.-** The process file shall contain the following items; namely-
- (a) index;
 - (b) power of attorney or vakalatnama;
 - (c) notices, summons and other processes and affidavits relating thereof;
 - (d) applications for summoning witness;
 - (e) letters calling records; and
 - (f) all other miscellaneous papers including but not limited to postal acknowledgements.
- 73. File for miscellaneous applications.-** For all miscellaneous applications there may be only one file with a title page prefixed to it and immediately after the title page, the diary, the miscellaneous applications, supporting affidavit and all other documents shall be filed.
- 74. Preservation of record.-**
- (1) All necessary documents and records relating to any case, application, reference, review or interlocutory application dealt with by the Adjudicatory Board shall be stored or maintained in a record room and shall be preserved for a period of five years after the passing of the final order:
Provided that the aforesaid preservation period shall not apply in respect of documents and records relating to any case, application, reference, review or interlocutory application in respect of which an appeal is pending in the Supreme Court of India and such documents and records shall not be destroyed till such appeal is disposed of by the Supreme Court; whereafter the documents and records shall be kept for a period of five years after passing of the final judgment or order of the Supreme Court.
 - (2) The record keeping officer or any other officer so designated shall be responsible for the records consigned to the record room. He shall scrutinize the records received by him and prepare an index.
 - (3) On the expiry of the period for preservation of the documents and records specified under sub-regulation (1), the Registrar or any person authorised by the Adjudicatory Board in this behalf shall weed out such documents and records.

PART - XVIII
Miscellaneous

75. Office of the Adjudicatory Board:

The office of the Adjudicatory Board shall be in Mumbai or such other place as may be notified by the Central Government.

76. Holidays

- (1) The office of the Adjudicatory Board shall observe such public and other holidays as observed by the offices of the Central Government in the locality where the office of the Adjudicatory Board is situated.
- (2) Where the last day for doing any act falls on a day on which the office of the Adjudicatory Board is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which the office opens.

77. Working hours of Adjudicatory Board-

- (1) Except on Saturdays, Sundays and other public holidays, the office of the Adjudicatory Board shall, subject to any other order made by the Presiding Officer, remain open daily from 9.30 AM to 6.00 PM but no work, unless of an urgent nature, shall be admitted after 4:30 PM on any working day.
- (2) Subject to any other order made by the Presiding Officer, the sitting hours of the Adjudicatory Board shall ordinarily be from 10.30 AM to 1.00 PM and 2.00 PM to 4.30 PM.

78. Working hours of Registry- The filing counter of the Registry shall be open on all working days from 10.00 A.M. to 5.00 P.M.

79. Computation of time period- Where a period is specified under these regulations or is fixed by the Adjudicatory Board for doing any act or taking a proceeding, in computing the time, the day from which the said period is to be reckoned with shall be excluded, and if the last day expires on a day when the office of the Adjudicatory Board is closed, that day and any succeeding days on which the office of the Adjudicatory Board remains closed shall also be excluded.

80. Format of order or direction or rule- Every rule, direction, order, summons or other mandatory process shall be issued in the name of the Presiding Officer and shall be signed by the Registrar or Secretary as the case may be or any other officer specifically authorised in that behalf by the Presiding Officer, with the day, month and year of signing and shall be sealed with the seal of the Adjudicatory Board.

81. Listing of cases- An urgent matter filed before 12 noon shall be listed before the Adjudicatory Board on the following working day, if it is complete in all respects as provided in these regulations and in exceptional cases, it may be received after 12 noon but before 3.00 P.M. for listing on the following day, with the specific permission of the Presiding Officer or Members of the Adjudicatory Board.

82. Power to exempt- The Adjudicatory Board may on sufficient cause being shown, exempt the parties from compliance with any requirement of these regulations and may give such directions in matters of practice and procedure, as it may consider just and expedient on the application moved in this behalf to render substantial justice.

- 83. Power to extend time-** The Adjudicatory Board may extend the time appointed by these regulations or fixed by any order, for doing any act or taking any proceeding, upon such terms, if any, as the justice of the case, application, reference, review or interlocutory application, may require, and any extension of time may be ordered, although the application therefor is not made until after the expiration of the time appointed or allowed.
- 84. Powers of Adjudicatory Board with regards to certain orders and directions-** Nothing in these regulations shall be deemed to limit or otherwise affect the inherent powers of the Adjudicatory Board to make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.
- 85. Power to review the regulation-** The Adjudicatory Board shall have the power to amend, modify and review these regulations and notify the amended regulations after seeking approval of the Central Government.
- 86. Award of costs in the proceedings-** Whenever the Adjudicatory Board deems fit, it may award cost for meeting the legal expenses of the applicant or respondent on defaulting party and in case of abuse of process of the Adjudicatory Board, impose exemplary costs on defaulting party.
- 87. Effect of non-compliance-** Failure to comply with any requirement of these regulations shall not invalidate any proceeding, merely by reason of such failure, unless the Adjudicatory Board is of the view that such failure has resulted in miscarriage of justice.
- 88. Residuary provision-** In a situation not provided for in these regulations, the Adjudicatory Board may, for reasons to be recorded in writing, determine the procedure in a particular case in accordance with the principles of natural justice.
- 89. Removal of difficulty-** In the matter of interpretation or giving effect to the provisions of these regulations, if any doubt or difficulty arises, the Adjudicatory Board may, by order, make such provisions not inconsistent with the provisions of the Act or the Rules, as appears to it necessary or expedient for removing the doubt or difficulty.
