

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.2379 of 2013

and

M.P.No.2 of 2013

M/s.Dalmia Cement (Bharat) Limited,
rep.by Senior General Manager & Lead Head
Fagun Mansion, 2nd Floor,
26, Ethiraja Salai, Egmore,
Chennai - 600 008. ... Petitioner

vs.

- 1.Union of India,
rep.by its Deputy Director,
Ministry of Environment & Forests,
146, Paryawaran Bhavan, Lodhi Road,
New Delhi - 110 003.
- 2.The State of Tamil Nadu,
rep.by its Chief Secretary,
New Secretariat,
Wallajah Road, Chennai - 600 002.
- 3.The Tamil Nadu Generation & Distribution
Corporation Limited, rep.by its,
Chief Engineer (Civil) Designs,
3rd Floor, NPKKR Maligai,
144, Anna Salai,
Chennai - 600 002.
- 4.The Tamil Nadu Pollution Control Board,
rep.by its Chairman,
76, Anna Salai, Guindy,
Chennai - 600 032. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the third respondent in Tender Specification Number CE/CD/SE/CD/11/2012-13 for 'Lifting and Disposal of Dry Fly Ash 700 MT/day from Unit III of NCTPS and quash the same as arbitrary and illegal.

For petitioner : Mr.Rahul Balaji
M/s.Satish Parasaran

For 1st respondent : Mr.N.Shivabharathi, CGC

For 2nd respondent : Mr.S.Navaneethan,
Additional Government Pleader

For 3rd respondent : Mr. C.Mani shankar,
Additional Advocate General
assisted by Mr.S.K.Rameshwar
Standing Counsel for TNEB

For 4th respondent : Mr.M.C.Swamy
Standing Counsel for TNPCB

ORDER

The parties concerned are hereby agreed that the tenure of contract stipulated in the impugned tender notification has been expired and that contracts were not executed pursuant to the tender notification. Therefore, nothing survives to adjudicate in the present Writ Petition. Hence, the Writ Petition is dismissed as infructuous. However, liberty is granted to the Tamil Nadu Generation & Distribution Corporation Limited/the third respondent herein, to issue fresh notification calling for the tenders. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

1.The Deputy Director,
Ministry of Environment & Forests,
Government of India,
146, Paryawaran Bhavan, Lodhi Road,
New Delhi - 110 003.

2.The Chief Secretary,
Government of Tamil Nadu,
New Secretariat,
Wallajah Road, Chennai - 600 002.

3.The Chief Engineer (Civil) Designs,
The Tamil Nadu Generation &
Distribution Corporation Limited,
3rd Floor, NPKKR Maligai,
144, Anna Salai,
Chennai - 600 002.

4.The Chairman,
The Tamil Nadu Pollution Control Board,
76, Anna Salai, Guindy,
Chennai - 600 032.

+1 cc to M/s.S.K.Raameshuwar,advocate,sr.12552

+1 cc to Govt.Pleader,sr.12607.

rsk(co)
krd 20/4

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