

**THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

**WRIT PETITION Nos.17054 of 2011 and 28147 of 2012**

**COMMON ORDER**

Both the writ petitions are filed challenging the action of the respondents in conducting the auction of the equipments.

During the course of hearing, learned counsel for respondent Nos.2 to 4 submits that an amount of Rs.1,23,84,777/- towards berth hire charges and dry-dock charges are payable by 5<sup>th</sup> respondent-M/s.Bopanna Civil Constructions. He further submits that one of the ships, viz., Barge Bopanna-3, was attached by the Port Trust; the same was sold in the auction conducted on 22.09.2015; and an amount of Rs.24,33,888/- was recovered. Therefore, nothing survives for adjudication in these writ petitions and the same have become infructuous. He further submits that if any amount determined by the 2<sup>nd</sup> respondent-Port Trust is due and payable by the 5<sup>th</sup> respondent, liberty may be given to the Port Trust to recover the same in accordance with law.

In view of the said submissions, both the Writ Petitions are dismissed as infructuous. It is needless to say that 2<sup>nd</sup> respondent-Port Trust is at liberty to recover the amounts due, if any, in accordance with law. No costs.

Miscellaneous Petitions, if any, pending shall stand closed.

**M.S.K.JAISWAL,J**

21<sup>st</sup> September, 2017.  
ssp