

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
W.A.No.965 of 2017

- 1 M/s. Flemingo Duty Free Shop
P Ltd Rep. by its Senior Manager C.Ramesh
D73 ITTC Industrial Area Navi Mumbai-400 705
Having off at 39 I Floor K.V.Apartments
Chennai-86 ... appellant

Vs

- 1 Airports Authority of India
(Southern Region) Rep. by its Regional
Executive Director Office of Regional
Executive Director Operational Offices
Southern Region Chennai-27
- 2 AGM Duty Free Selatan Sdn BH
16th Floor Menara Safaun 50450 Kulalampur
Malaysia Present Off. 86/A Royal Complex
Sankari Road Seetharampalayam Trichencode
Namakkal District, Tamil Nadu-637 209
- 3 Airports Authority of India
Rep. by its Chairman Rajiv Gandhi Bhawan
Safdarjung Airport New Delhi-110 003 ... respondents

Writ Appeal under clause 15 of Letter patent filed against
the order passed by this Court dated 23.3.2017 in WP
No.15777/2016.

Prayer in WP.No.15777/2016:Petition filed under Article 226 of
the constitution of India praying for a writ of certiorarified
mandamus to call for the for the records of the 1st respondent
in Request for Proposal dt. Sept 2015 (E-Bid No.1000013196 dt.
15.12.2015) culminating in proceedings dt. 24.03.2016 and quash
the proceedings dt. 24.03.2016 and consequently direct the 1st
respondent to declare that the bid submitted by the 2nd
respondent pursuant to the Request for Proposal dt. Sept 2015 (E-
Bid NO.1000013196 dt. 15.12.2015) stands disqualified being
contrary to the Threshold Eligibility Criteria 2.2.2 of the
Request for proposal dt. Sept 2015 (E-Bid No 1000013196 dt.
15.12.2015)(prayer amended as per the order 03.2017 made in
WMP.No.33437 of 2016 in WP.No.15777/2016)

For appellant : Mr.P.S.Raman, Senior Counsel,
for Mr.L.Muralikrishnan

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents 1 & 3 : Mr.R.Parthiban
For 2nd respondent : Mr.R.Nalliappan

J U D G M E N T
(made by K.K.SASIDHARAN, J.)

The appellant challenged the proceedings of the Airport Authority of India, Chennai, awarding duty free outlet at Madurai Airport. Similar challenge was made to the award of contract for conducting duty free shop at Trivandrum International Airport, before the Kerala High Court in W.P.(C) No.861 of 2016. The learned Single Judge dismissed the Writ Petition on merits. On appeal, the Division Bench of Kerala High Court confirmed the order passed by the learned Single Judge and dismissed the appeal.

2. The Writ Petition filed by the appellant was dismissed by the learned Single Judge. Feeling aggrieved, the appellant has come up with this intra court appeal.

3. The appellant challenged a similar contract before the Kerala High Court. The facts are similar. The Kerala High Court dismissed the Writ Petition on merits. The appeal filed before the Division Bench was also dismissed vide judgment reported in CDJ 2017 Ker HC 773 (M/s.Flemingo Duty Free Shop Pvt. Ltd. vs. Union of India, New Delhi). The order would cover the issue raised in this intra court appeal. We are therefore of the view that the appeal must be dismissed, following the order passed by the Division Bench of the Kerala High Court in M/s.Flemingo Duty Free Shop Pvt. Ltd.

4. In the upshot, we dismiss the intra court appeal. No costs. Consequently, connected M.P.s, are also dismissed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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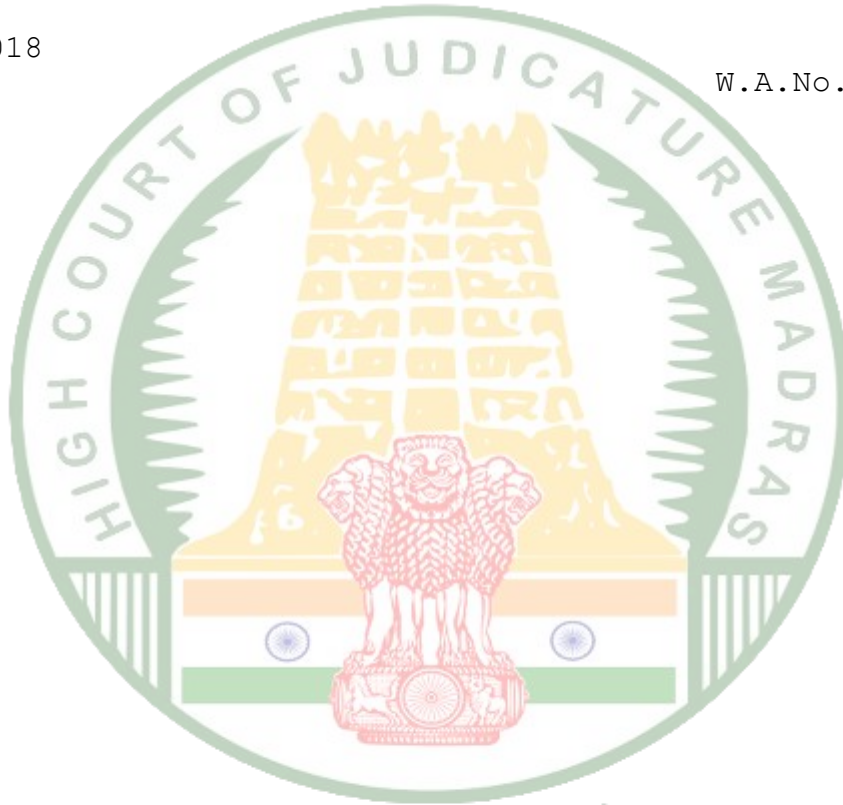
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3 The Chairman,
Airports Authority of India
Rajiv Gandhi Bhawan
Safdarjung Airport
New Delhi-110 003

+lcc to Mr.L.Muralikrishnan, Advocate Sr.No.26848
+lcc to Mr.R.Parthiban Advocate Sr.No.25805

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