



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 29.10.2018**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH  
and**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P. (MD) No.11727 of 2017**

**W.M.P. (MD) No.9034 of 2017**

V.Ramasubbu

... Petitioner

-vs-

- 1.The Union of India,  
Represented by Ministry of Shipping,  
Transport Bhavan,  
No.1, Parliament Street,  
New Delhi - 110 001.
- 2.The Director of Central Bureau of Investigation,  
Plot No.5-B, CGO Complex,  
Lodhi Road,  
New Delhi - 110 003.
- 3.The Joint Director and Head of the Zone,  
The Central Bureau of Investigation,  
3rd Floor, E.V.K.Sambath Building,  
College Road,  
Chennai - 600 006.
- 4.The Board of Trustees,  
Represented by Chairman,  
V.O.Chidambaranar Port Trust,  
having its Administrative Office at  
V.O.C. Chidambaranar Port Trust,  
Tuticorin - 628 004,  
Tuticorin District.
5. Anand Chandrabose
- 6.The Chief Mechanical Engineer of  
V.O.Chidambaranar Port Trust,  
Tuticorin - 628 004,  
Tuticorin District.
- 7.Ravindran
- 8.M/s.Dakshin Bharat Gateway Terminal Private Limited,  
Represented by its  
Mr.Saket Agarwal, Director,  
having their registered office at  
5th Floor, Bhupati Chambers,  
13 Mathew Road,  
Mumbai - 400 004.

... Respondents



**PRAYER :** Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to forthwith register a case and to conduct thorough investigation in respect of a major scam committed by the 8th respondent in collusion with 5th and 7th respondents herein for the construction of VIII Berth Container Terminal in the 4th respondent V.O.Chidambaranar Port Trust, Thoothukudi as per the alleged Concession Agreement dated 04.09.2012 executed between 4th and 8th respondents with the time stipulated by this Hon'ble Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

For 1st Respondent : Mr.R.Arjuna Rajan

For Respondents 4 & 6 : Mr.R.Yashodvardhan,  
Senior Counsel  
for Mr.S.Yaswanth

For Respondents 5 & 7 : Mr.S.Manikandan

For 8th Respondent : Mr.P.Raj Kumar Jhabakh  
For Mr.Shifa Nagar

### **O R D E R**

**(Order of the Court was made by M.M.SUNDRESH, J.)**

This Writ Petition has been filed, seeking a direction to the 2nd and 3rd respondents to forthwith register a case and to conduct thorough investigation in respect of a major scam committed by the 8th respondent in collusion with 5th and 7th respondents herein for the construction of VIII Berth Container Terminal in the 4th respondent V.O.Chidambaranar Port Trust, Thoothukudi as per the alleged Concession Agreement dated 04.09.2012 executed between 4th and 8th respondents with a time frame.

2.The core facts are not in dispute. A decision was made by the respondent No.4 to implement the second container terminal under Public Private Participation model on revenue share basis. The 8th respondent quoted highest revenue share of 55.19% on 07.08.2012. Accordingly, its tender was accepted and work was allotted. There appears to be some difficulty in getting Rail Mounted Quay Gantry Cranes by the 8th respondent. The contract was extended by respondent No.4 due to the then prevailing situation.

3.The learned Senior Counsel appearing for the fourth respondent would submit that now the terminal is in operation.

4.There appears to be dispute between respondents 4 and 8, which is also pertaining to the functioning of the Cranes. We are not dealing with a case which involves wrong awarding of the contract. Admittedly, respondent No.8 has quoted highest revenue

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



share of 55.19%. What was happened thereafter is a matter of dispute before the Arbitration Tribunal. In such view of the matter, we do not find any merit in this writ petition. There is no criminality involved involving collusion between respondents 4 and 8.

5. In view of the above, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Ministry of Shipping,  
Union of India,  
Transport Bhavan,  
No.1, Parliament Street,  
New Delhi - 110 001.

+1cc to Mr.S.Yaswanth, Advocate Sr.No.93439

+1cc to Mr.R.Arjuna Rajan, Advocate Sr.No.92613

+1cc to Mr.Trinathtada Kamalla, Advocate Sr.No.93569

SJ

VB/BK/SAR1/06.12.2018/3P/5C

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