

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.14277 OF 2018**

Nhava Sheva International Container  
Terminal Pvt. Ltd. And Anr. ... Petitioners  
versus  
The Union of India and Ors. ... Respondents

Mr. Navroz Seervai, Senior Advocate with Mr. Akash Rebello, Mr. Pratik Pawar, Ms. Shanaya Cyrus Irani i/by J. Sagar Associates, for Petitioners.

Mr. Raghav Shekhar i/by The Law Point, for Respondent No.1.

Mr. Shubhabrata Chakraborti with Mr. Vaibhavi Wali i/by Juris Corp, for Respondent No.2.

Mr. Somasekhar Sundaresan with Mr. Abhishek Venkatraman, Mr. Mathew George, Ms. Tanveer Verma, Ms. Ritika Ajitsaria i/by Trilegal, for Respondent No.3.

Mr. Mustafa Doctor, Senior Advocate with Mr. Abhileen Chaturvedi with Ms. Krushika Choudhary i/by Economic Law Practice, for Respondent No.4.

Mr. Mehul Shah, for Respondent No.5.

**CORAM: AKIL KURESHI &  
S.J. KATHAWALLA, JJ.  
DATE: 6<sup>th</sup> AUGUST, 2019**

**P.C.:**

1. At the outset, the learned Counsel for the parties submitted that all disputes between the Petitioners, Respondent No.3-Original Complainant before the Competition Commission, Jawaharlal Nehru Port Trust and all other Respondents have been amicably resolved culminating into execution of Memorandum of Agreement dated 29<sup>th</sup> July, 2019. A copy of the said Memorandum of Agreement is placed on record and marked 'X' for identification. Counsel for the parties agreed that in view of such settlement between the parties, no further adjudication of the

disputes raised in the Petition would be necessary. They however, point out that unless terminated, the proceedings initiated by Respondent No.3 by way of complaint before the Competition Commission would survive. The learned Counsel for Respondent No.3 stated that pursuant to a Memorandum of Agreement dated 29<sup>th</sup> July, 2019, the Respondent No.3 has also already written to the Competition Commission on 1<sup>st</sup> August, 2019 seeking to withdraw the Complaint itself. A copy of this letter is also taken on record and marked 'Y' for identification.

2. In view of such developments, we at the joint request of the learned Counsel for the parties, permit Respondent No.3 to withdraw the Complaint Case No.19 of 2018 filed by it before the Competition Commission. Consequently, the case itself does not survive and orders passed on the Competition Commission so far on such proceedings would no longer be operative.

3. In view of such developments, subject to above observations and directions, the Writ Petition is disposed of.

**( S.J.KATHAWALLA, J. )**

**( AKIL KURESHI, J. )**