



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
and
The Hon`ble Mr.Justice M.DHANDAPANI

WMP(MD) No.8837 of 2019

IN

WP(MD) No.9248 of 2019

1 NLC TAMILNADU POWER LIMITED,
REP. BY ITS CHIEF EXECUTIVE OFFICER,
HARBOUR ESTATE, TUTICORIN,
TAMILNADU-4.

2 NLC INDIA LIMITED,
REP. BY ITS MANAGING DIRECTOR,
HAVING ITS REG. OFFICE AT.
NO.8, SATHYAMOORTHY ROAD,
FSD, EGMORE COMPLEX OF FOOD CORPN. OF INDIA,
CHETPAT, CHENNAI-31.

... PETITIONERS/ RESPONDENTS/
RESPONDENTS

Vs

M.LIONEL ANTONY RAJ

... RESPONDENT/ PETITIONER/
PETITIONER

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Vacate the Interim Orders passed by this Honble Court in WMP(MD) No. 7270 of 2019 in WP(MD) No. 9248 of 2019 dated 16.04.2018.

Prayer in WP(MD). 9248/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue writ of declaration declaring that the Tender Notification in Tender Ref.No.CEO/NTPL/COAL/PTE/2163 R/2019-20 dated 10.04.2019 in so far as it states that the bidder have to quote for both Paradip and Dhamra Port(Table I & II) otherwise will not be qualified for further evaluation as illegal and avoid.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.R.LAXMAN, Advocate for the petitioner and of MR.D.SELVARAO, Advocate for MR.S.VANCHINATHAN, Advocate on behalf of the Respondent, the court made the following order:-



[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

An interim order was granted on 16.04.2019 in W.M.P.(MD) No.7270 of 2019 in the following terms:

"5.From the above, it is very clear that the rail distance and the handling charges per tonne are very high and the total loss because of routing 30% of the coal through private port is about roughly Rs.76 Crores. When the petitioner has come with such details, this Court cannot ignore the same as the public exchequer has to be safeguarded and we cannot ignore the contention of the learned counsel for the petitioner that it has been deliberately made only to benefit the private company. Therefore, instead of staying the entire tender process, this Court stays the operation of the tender notification insofar as it relates to movement of coal through Dhamra Port. It is made clear that the participants are to quote tender for Paradip port only. As far as other aspects are concerned, there is no stay in respect of tender process and the authorities are to go ahead with the tender procedure as indicated above."

To vacate the same, the Neyveli Lignite Corporation has filed the present Miscellaneous Petition.

2. In Paragraph No.12 of the affidavit filed in support of the vacate stay petition, the following averments have been made:

"12.I humbly submit that in the light of the interim orders been passed by this Hon'ble Court with a specific observation to proceed with the tender, the petitioners/respondents are unable to withdrew the impugned tender and to float a new fresh tender confining the transportation through Paradip Port alone for which there requires an orders of this Hon'ble Court to vacate the interim order in the light of the stand taken by the petitioners/respondents to float the new tender confining the transportation through Paradip Port alone."

3. The learned Standing counsel appearing for NLC states that they want to withdraw the tender notification that is the subject matter of challenge in the main writ petition and that they want to issue a fresh tender notification, which would exclude Dharma Port.

4. Recording the said submission, this Miscellaneous Petition is disposed of. Liberty is granted to the NLC to issue fresh tender process by excluding Dharma Port, for which, the respondent has no objection.

sd/-

08/05/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 NLC TAMILNADU POWER LIMITED,
REP. BY ITS CHIEF EXECUTIVE OFFICER,
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2 NLC INDIA LIMITED,
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CHETPAT, CHENNAI-31.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-8124[I] dated 08/05/2019)
+1. C.C. to M/S.S.VANCHINATHAN, Advocate SR.No. 8137

ORDER
IN
WMP(MD) No.8837 of 2019
IN
WP(MD) No.9248 of 2019
Date :08/05/2019

JM/JC/SAR 4/17.05.2019/3P/5C