

**C.M.P.Nos.1370, 1371, 1427, 1435, 1438, 1948, 1355 and  
1358 of 2020**  
**in W.A.Nos.3746, 3754, 3625, 3626, 3627, 3628, 3624 and  
3623 of 2019**

**DR.VINEET KOTHARI, J.**  
**AND**  
**C.SARAVANAN, J.**

These Applications have been filed seeking clarification of the Judgment dated 20.11.2019 passed by this Court in Writ Appeal Nos.3746 etc. batch, which are directed against the order of the learned single Judge dated 30.09.2019.

2. The operative portion of the Judgment dated 20.11.2019 passed by this Court is quoted below for ready reference:

*"5. Having heard the learned counsel for the parties, we are of the opinion that the present Writ Appeals can be disposed of with the following directions:*

*i) Let the Petitioners/Appellants, who want to continue to occupy the allotted spaces beyond 30th September 2019, the date on which their licences had expired, pay 50% of the penal licence rent demanded by the Respondent/Port Trust on month to month basis, so long as they hold over in the said allotted spaces, subject to the final orders to be passed by the learned Single Judge, in pending Writ Petitions.*

*ii) The Respondent Chennai Port Trust is directed to complete the fresh e-Auction Tender process within a period of 3 months from today so that for a unduly for a long period, the Appellants/Petitioners will not be compelled to pay the Penal Licence Rent, as there cannot be any impediment for the Chennai Port Trust in conducting fresh e-*

*Auction even with the temporary structures as the interest of both the parties viz., the Chennai Port Trust and the erstwhile Lessees in this regard is protected by way of clause 11.3(c) of the Amended Land Policy Guidelines, Major Ports, 2014, which says that if any structure has been constructed by the earlier Lessee on the leased land, it would be valued by a third party valuer to be agreed upon by the Port Trust and the earlier lessee and the successful bidder has to remit the value of the structures which would be passed on to the previous lessee.*

6. Therefore, we direct the Respondent-Chennai Port Trust to complete the e-Auction Tender Process within a period of three months from today and the existing licencees shall be entitled to participate in the said fresh e-Auction Tender process as well.

7. The payment of 50% penalty licence rent by the licencees, who are continuing to remain in possession beyond 30th September 2019 shall remain subject to the final decision of the learned Single Judge in the Writ Petitions."

3. The learned Senior counsel appearing for the petitioner Mr.Om Prakash, on the one hand submitted that the Respondents Chennai Port Trust has not finalised the e-Auction tender process which was directed to be completed within a period of three months from the date of the Judgment i.e., 20.11.2019. On the other hand he submitted that they have revised the penal fee and raising the invoices at 2.5 times more from the month of January 2020 and

therefore the Judgment needs to be clarified.

4. The learned counsel appearing for the Respondents Ms.Madhri Donti Reddy, submitted that the Chennai Port Trust is going to issue notice tomorrow i.e., on 05.02.2020 and therefore within a period of two months from today the e-Auction tender process will be finalised and further submitted that 50% of the penal licence rent is collected as per the directions given in paragraph 7 and therefore no clarification is required.

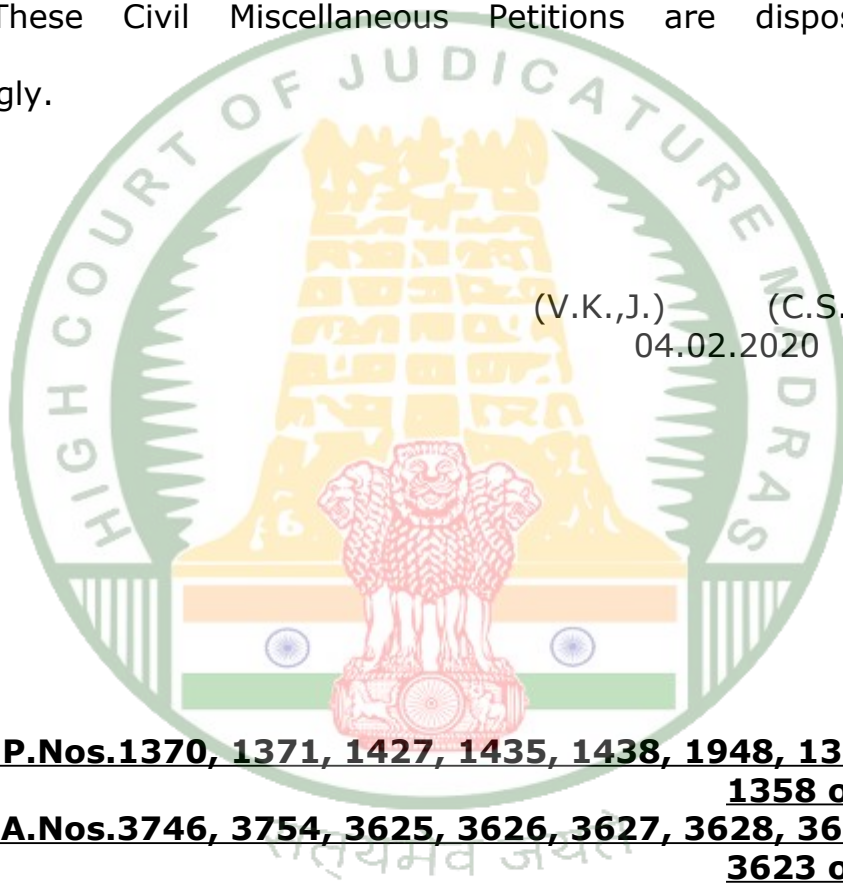
5. Having heard the learned counsel for the petitioner as well as the Respondents, this Court finds that no clarification is required in the Judgment dated 20.11.2019 and the Respondents Chennai Port Trust may complete the tender process and award fresh contract within period of two months from today. It is made clear that no further extension of time will be granted. In case of any further delay is caused by the Respondents, this Court may impose exemplary costs and damages upon the respondent Chennai Port Trust. The Respondents may collect only 50% of the penal licence rent of the Invoices raised by the Port Trust in terms of paragraph 7 of the aforesaid directions.

**VINEET KOTHARI, J  
AND  
C.SARAVANAN,J**

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6.These Civil Miscellaneous Petitions are disposed of  
accordingly.

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