



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2020

CORAM

WEB COPY

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**W.P. (MD) No. 9737 of 2020
and W.M.P. (MD) No. 8740 of 2020

Tuticorin Salt and Marins Chemicals Ltd.,
Rep. by Executive Director M.P. Dileep,
Harbour Link Road,
Tuticorin - 628 001.

... Petitioner

Vs.

1. The Union of India,
Ministry of Shipping,
Rep. by its Secretary,
New Delhi - 110001.

2. The Chairman,
V.O. Chidambaranar Port Trust,
Tuticorin - 628 004.

3. The Chief Engineering and Estate Officer,
Civil Engineering Department, Estate
management Division,
V.O. Chidambaranar Port Trust,
Tuticorin - 628 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the second and third respondents to include a specific clause in the E-Tender cum E-Auction notice No.E(c)56/11/2019-EST/D, dated 22.06.2020, regarding the successful bidder's liability to pay compensation of Rs.16,00,00,000/- (Rupees Sixteen Crores only) or any other due amount as fixed by this Court to be paid to the petitioner before opening of the technical bid on 21.08.2020 or before confirmation of the successful bidding or within a stipulated time as fixed by this Court.

For Petitioner : Mr.S.Meenakshi Sundaram
Senior Counsel,
for M/S.M.Sengu Vijay

For R1 : Mr.R.Senthilkumar,
Central Government Standing Counsel.

For R2 and R3 : Mr.Arivuchandran

**ORDER**

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the respondent Port Trust.

2.The petitioner is aggrieved by the non-incorporation of the petition mentioned condition in the impugned tender notification, dated 22.06.2020.

3.The learned Senior Counsel draws my attention to the specific observation made in W.P.(MD)No.41444 of 2002, dated 01.09.2016, which reads as follows:

"...The said guidelines also taken care of the valuation of the construction put up by the earlier lessee in respect of superstructure on the leased land and therefore, whatever improvement made by the petitioner in the lands in question have been taken care of."

4.I called upon the learned Standing Counsel for the Port Trust to respond to the contention made by the learned Senior Counsel.

5.Today, when the matter was taken up for hearing, the Port Trust had filed an affidavit in which, it has been stated as follows:

"7.It is further respectfully submitted that the claim of the compensation of the writ petitioner will be considered by the 2nd & 3rd respondents on the basis of the land policy guidelines 2014 and more particularly on the basis of Clause 11.3. Hence it is not necessary to include a separate condition with regard to payment of compensation payable to the existing lessee by the successful bidder."

8.It is further respectfully submitted that the condition mentioned in Clause 4.2 in Chapter - 4 and Clause 11.3 in Annexure - B of tender document clearly informed/intimated to the all tenderers during the pre-bid meeting held on 21.07.2020. Hence, the apprehension of the writ petitioner with regard to liability of the successful bidder does not arise in payment of compensation under Land Policy Guidelines 2014."

6.Since the respondents categorically undertake that the petitioner's claim for payment of compensation would be considered as per the Land Policy Guidelines 2014, there is no need or necessity to incorporate the condition as sought for by the petitioner in the tender notification.



7. The apprehension expressed by the petitioner has been effectively addressed by the Port Trust by filing the above said affidavit. Recording the undertaking given by the respondents, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To
The Union of India,
Ministry of Shipping,
Rep. by its Secretary,
New Delhi - 110001.

+1 CC to M/s.M. SENGU VIJAY, Advocate (SR-14941[F] dated 26/08/2020)

W.P. (MD) No.9737 of 2020

AP(02/09/2020) 3P 3C