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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE S.KANNAMMAL

W.A.Nos.1005 and 1006 of 2021
and
C.M.P.Nos.6347 and 6352 of 2021

M.Premkumar

.. Appellant in both writ appeals

Vs

1. The Chief Executive Officer,
NLC Tamil Nadu Power Limited,
Harbour Estate,
Tuticorin - 628004,
Tamil Nadu.
2. The Deputy General Manager/Contract & Purchase,
Office of the Chief Executive Officer,
NLC Tamil Nadu Power Ltd.,
Harbour Estate, Tuticorin - 628004,
Tamil Nadu.

.. Respondents in both writ appeals

Appeals filed under Clause 15 of Letters Patent against the order dated 17.03.2021 made in W.P.Nos.16356 & 16366 of 2020.

Prayer in W.P.No.16356 of 2020:

Petition filed Under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records and Quash the order of the 1st respondent in LR.No.CEO/NTPL/CIVIL/fly ash/PTE/cont 2463/0755 dated 31.10.2020 Banning the petitioner's company for a period of six months from participating in any tender issued by NTPL.



Prayer in W.P.No.16366 of 2020:

Petition filed Under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records and Quash the order of the 1st respondent in Lr.No.CEO/NTPL/CIVIL/fly ash/PTE cont/2463/0649 dated 29.09.2020 forfeiting the EMD amount of Rupees Ten lakhs paid by the petitioner's company in Tender No.CEO/NTPL/CIVIL/FLY ASH/CONT/PTE/2463/2019-20F dated 17.12.2019

For Appellant : Mr.P.J.Rishikesh
(in both cases)

For Respondents : Mr.N.Nithanandam
(in both cases)

COMMON JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

There are two issues involved in these appeals one is with respect to the forfeiture which the appellant is not willing to press pursuant to the order passed by the learned Single Judge, dismissing the writ petitions. Therefore, the only other issue is with respect to the blacklisting.

2. The First Bench passed a detailed order on 01.06.2021 to the effect that the appellant may be permitted to lift the fly ash at Rs.850/- per metric ton.

3. When the matter is taken up for hearing today, learned counsel appearing for the respondents submitted that the appellant may be permitted to do so at the rate of 120 metric ton per day. Learned counsel appearing for the appellant submitted that the appellant would adhere to the same.

4. In such view of the matter, nothing survives for adjudication in these appeals. In view of the aforesaid subsequent development and the submission made by the learned counsel for the respondents, the order of blacklisting stands set aside as the respondents themselves are willing to permit the appellant to lift the fly ash at the rate of 120 metric ton per day at Rs.850/- per metric ton subject to the other conditions that may be imposed by them.



5. The writ appeals stand disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CCC)

// True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Chief Executive Officer,
NLC Tamil Nadu Power Limited,
Harbour Estate,
Tuticorin - 628004,
Tamil Nadu.
2. The Deputy General Manager/Contract & Purchase,
Office of the Chief Executive Officer,
NLC Tamil Nadu Power Ltd.,
Harbour Estate, Tuticorin - 628004,
Tamil Nadu.

+1cc to Mr.N.Nithianandam, Advocate, S.R.No.37924
+2ccs to M/s.P.J.Rishikesh, Advocate, S.R.No.38659

W.A.Nos.1005 & 1006 of 2021

RLD(CO)
SU(24/08/2021)