



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1683 of 2011

and

M.P.No.1 of 2011

M/s.M.M.T.C.Ltd.

Rep. by its

Deputy General Manager, (Iron Ore),

'Chennai House',

No.7, Esplanade,

Chennai - 108.

...Petitioner

Vs.

1. The Chairman,

Chennai Port Trust,

No.1, Rajaji road,

Chennai-600 001.

2. The Chief Mechanical Engineer,

Chennai Port Trust,

No.1, Rajaji Road,

Chennai-600 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in issuing the communication dated 03.01.2011 in Ref.No. MEE/VI/203/2010/Dy.CME (OH) and quash the same and consequently direct the respondents to invoke/apply the Fore Majeure clause and not to invoke the security deposit and bank guarantee furnished by the petitioner in furtherance of Allotment Order No.1/2010, dated 31.1.2010.

For Petitioner : Mr.M.Santhanaraman

For Respondents : Mr.R.Sankara Narayanan

Additional Solicitor General of India

Assisted by Mr.M.R.Dharanichander

O R D E R

Mr.R.Sankara Narayanan, learned Additional Solicitor General of India, made a submission that the petitioner, M/s.M.M.T.C Limited, is fully owned by the Government of India Enterprise functioning under the Ministry of Commerce, Government of India.



2. In order to resolve the issues in an effective manner, a new mechanism, namely, Administrative Mechanism for Resolution of CPSEs Disputes (AMRCD) having two level (tier) structure have been evolved. Accordingly, the petitioner has to approach the said forum for the purpose of resolving the issues. However, during the pendency of the issue, the Bank Guarantee must be made alive and the petitioner has no objection for such contentions raised by the learned Additional Solicitor General of India.

3. This Court passed an interim order for providing a Bank Guarantee and accordingly, the petitioner has provided the Bank Guarantee. The said interim arrangement shall continue until the issues are resolved between the parties and thereafter appropriate decision may be taken accordingly.

4. With these observations, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jeni/Kan

To

1. The Chairman,
Chennai Port Trust,
No.1, Rajaji road,
Chennai-600 001.
2. The Chief Mechanical Engineer,
Chennai Port Trust,
No.1, Rajaji Road,
Chennai-600 001.

+1cc to Mr.M.Santhanaraman, Advocate, S.R.No.3266
+1cc to Mr.M.R.Dharani Chander, Advocate, S.R.No.2914

W.P.No.1683 of 2011

PMK(CO)
KKV/02/02/2022