



WEB COPY



W.P.Nos.36645 & 36646 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.36645 & 36646 of 2016

and

W.M.P.Nos.31499 to 31502 of 2016

1.M/s.Gammon – OJSC Mosmetrostroy JV,
Repreented by its Authorised Signatory, J.L.Ashar,
Gammon House, Veer Savarkar Marg,
Prabhadevi, Mumbai – 400 025.

2.M/s.Gammon India Limited,
Represented by it Authorised Signatory, J.L.Ashar,
Gammon House, Veer Savarkar Marg,
Prabhadevi, Mumbai – 400 025.

...Petitioners in both WPs

Vs.

M/s.Chennai Metro Rail Limited,
Represented by its Director (Project),
CMRL Depot, Admin Building,
Poonamallee High Road,
Opposite to Daniel Thomas School,
Koyambedu, Chennai – 107.

..Respondents in both WPs'

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the entire records of the respondent in Letter No.CMRL/CON/UAA-



W.P.Nos.36645 & 36646 of 2016

02/2016 & Letter No.CMRL/CON/UAA-03/2016 both dated 29.08.2016 and quash the same since the same is arbitrary, beyond jurisdiction against the principles of natural justice.

For Petitioners in both WPs' : Mr.P.J.Rishikesh

For Respondents in both WPs' : Mr.M.K.Kabir, Senior Counsel
for Mr.Jayesh B.Dolia

COMMON ORDER

The prayer in both the Writ Petitions reads as follows:-

“calling for the entire records of the respondent in Letter No.CMRL/CON/UAA-02/2016 & Letter No.CMRL/CON/UAA-03/2016 both dated 29.08.2016 and quash the same since the same is arbitrary, beyond jurisdiction against the principles of natural justice.”

2.The main contention of the learned counsel for the petitioner is that the order impugned would amount to blacklisting without enquiry, which is prohibited under law.



W.P.Nos.36645 & 36646 of 2016

WEB COPY

3.Mr.M.K.Kabir, learned Senior Counsel appearing for CMRL would submit that the order impugned is not blacklisting, it is only suspension of further business with the petitioner. Therefore, the fact that the petitioner not heard before passing of the order will not vitiate the order.

4.Mr.P.J.Rishikesh, learned counsel for the petitioners would submit that he would be satisfied with the clarification that this will not preclude the petitioner from participating in future tenders floated by CMRL if it is otherwise qualified.

5.I do not see any difficulty in acceding to the request of the learned counsel for the petitioners in as much as, it is the contention of the CMRL that order impugned is not blacklisting and it is only a temporary suspension of business relationship.

6.Hence, this Writ Petition is disposed of with the above directions that the order impugned will not preclude the petitioner from



W.P.Nos.36645 & 36646 of 2016

participating in future tenders invited by the CMRL, provided the petitioner satisfies the qualifying requirements. No costs. Consequently, connected miscellaneous petitions are closed.

11.07.2022

kkn

Index:No
Internet:Yes
Speaking

To:-

The Director (Project),
Chennai Metro Rail Limited,
CMRL Depot, Admin Building,
Poonamallee High Road,
Opposite to Daniel Thomas School,
Koyambedu, Chennai – 107.



WEB COPY



W.P.Nos.36645 & 36646 of 2016

R.SUBRAMANIAN, J.

KKN

W.P.No.36645 & 36646 of 2016
and
W.M.P.Nos.31499 to 31502 of 2016

11.07.2022