

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.16428 of 2022

&

W.M.P.No.15723 of 2022

Apeejay Shipping Limited,
Apeejay House, 15 Park Street,
Kolkata - 700016, India
Represented by its Authorised Signatory,
Capt. Dhiraj Pahuja

... Petitioner

vs.

1. Chief Engineer/Mech/Coal
Tamil Nadu Generation &
Distribution Corporation Ltd.,
NPKRR Maligai,
144, Anna Salai, Chennai - 600 002.
2. Directorate General of Shipping,
9th Floor, Beta Building,
i-think Techno Campus, Kanjurmarg (East),
Mumbai - 400 042 (India)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the 1st respondent to grant the petitioner the right to exercise its Right of First Refusal in terms of DGS Circular No.2 of 2021 dated January 14, 2021 and clause 1.3(C)(v) of the Tender bearing No.Coal (SHIP) - 110 dated 10.05.2022 issued by the respondent No.1 in respect of item-2 thereof prior to issuance of any fixture note/execution of any Charter Party in respect of Item-2, and thereafter proceed with the Tender Process accordingly.

For Petitioner : Mr.Karthik Sundaram

For Respondents : Mr.J.Ravindran,
Additional Advocate General,
Assisted by Mr.C.Jai Venkatesh
for R1

For Respondent 2 : Mr.S.N.Parthasarathy,
Senior Central Government
Standing Counsel

ORDER

This writ petition has been filed for mandamus seeking for a direction to the 1st respondent to grant the petitioner to exercise its Right of First Refusal in terms of DGS Circular No.2 of 2021 dated January 14, 2021 and clause 1.3(C)(v) of the Tender bearing No.Coal (SHIP) - 110 dated 10.05.2022 issued by the respondent No.1 in respect of item-2 thereof prior to issuance of any fixture note/execution of any Charter Party in respect of Item-2.

2. Mr.Jai Venkatesh, learned Standing counsel accepts notice on behalf of the first respondent and Mr.S.N.Parthasarathy, learned Senior Central Government Standing Counsel accepts notice on behalf of the second respondent. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

3. It is represented by the Mr.J.Ravindran, learned Additional Advocate General assisted by Mr.C.Jai Venkatesh, learned standing counsel appearing for the first respondent that the contract has already been awarded by the first respondent in favour of the M/s.Al Khalejia Aggregates FZE, UAE. In view of the submission made by the learned Additional Advocate General, liberty is granted to the petitioner to file a fresh writ petition challenging the award passed by the first respondent in favour of M/s.Al Khalejia Aggregates FZE, UAE in the manner known to him under law.

4. With the aforesaid observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

To

1. Chief Engineer/Mech/Coal
Tamil Nadu Generation &
Distribution Corporation Ltd.,
NPKRR Maligai,
144, Anna Salai, Chennai - 600 002.
2. Directorate General of Shipping,
9th Floor, Beta Building,
i-think Techno Campus, Kanjurmarg (East),
Mumbai - 400 042 (India)

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.40162

+1cc to Mr.Karthik Sundaram, Advocate, S.R.No.41049

W.P.No.16428 of 2022

KK(CO)
UMA(20/07/2022)