



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

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W.A(MD)No. 39 of 2022

and C.M.P.(MD) Nos. 744, 746 and 747 of 2022

- 1.Bellore Africa Logistics,
31-32, quai de Dion Bouton,
92811 Puteaux, France.
- 2.India Ports & Logistics Private Limited,
141, 14th Floor, Jolly Maker Chambers II,
Nariman Point, Mumbai - 400 021, India.
- 3.Highgate Terminals Private Limited,
3B, 2nd Floor, Shree Pant Bhuvan,
SVP Road, Mumbai - 400 007, India.

The Appellants 1 to 3 are represented herein
by the Lead Member in the Consortium:
Bellore Africa Logistics,
Represented by its Authorised Signatory,
Mr. Arul Phillip Kennedy Xavier .. Appellants/Petitioners

Vs

V.O.Chidambaranar Port Trust,
Represented by the Chief Mechanical Engineer,
Mechanical & Electrical Engineering Department,
Planning and Monitoring Division,
Tuticorin - 628 004. .. Respondent/Respondent

Writ Appeal filed under Clause 15 of the Letters Patent
against the order dated 10.01.2022 made in W.P.(MD) No. 295 of 2022.

Prayer in WP(MD). 295/ 2022 :

Writ Petition filed under Article 226 of the Constitution of
India for issuance of Writ of Certiorarified Mandamus, to call for
the records and quash the impugned order viz., the Letter bearing
No.MEE-CMEP1-MIS-CONVE-V1-20 (60768) D.4034, dated 16.12.2021 issued
by the respondent to the petitioners and consequently, permit the
petitioners' Consortium to take part in the Bidding Stage (2nd Stage)
of the Bidding Process being held in connection with Public Notice,
dated 05.05.2021 bearing No.MEE-CMEP1-MIS-CONVE-V1-20(60768) and the
request for qualification for the project- "Conversion of 9th Berth
as Container Terminal through P.P.P on D.B.F.O.T. basis" issued
on 17.01.2021, by providing opportunity to raise queries on the



request for proposal and reasonable time to the petitioners' Consortium to submit its Bid.

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For Appellants : Mr.AL.Somayaji
Senior Counsel

For Respondent : Mr.R.Sankaranarayanan
Additional Solicitor General of India

ORDER

[Delivered by PARESH UPADHYAY, J.]

1. Mr.R.Sankaranarayanan, learned Additional Solicitor General of India has submitted that the respondent has taken appropriate decision and the same is communicated to the appellant vide letter dated 20 April 2022. It is also pointed out that, the said communication dated 20 April 2022 also refers to the proceedings before this Court and interim order dated 17 February 2022. A copy of the said communication is placed on record, the relevant portion of which reads as under:-

"Kind reference is invited to the letters cited and the interim Order cited above.

In this connection it is informed that, Port is withdrawing the disqualification Order dt.16.12.2022 issued to your consortium, whereby the Request For Qualification (RFQ) submitted by your consortium was rejected, without prejudice to our Rights to consider the RFQ submitted by your consortium in accordance with the RFQ conditions and as per Applicable Laws.

It is requested to inform the above before Hon'ble High Court of Madras, Madurai Bench, in the proceedings of WA(MD) No.39 of 2022."

2. In view of the above, the cause of action for the petitioner would not survive, in turn the appeal would not survive.

3. Learned Senior Counsel for the appellants seeks permission to withdraw the writ appeal, reserving liberty to the writ petitioners / appellants to challenge any action that may be taken by the respondent as contemplated in the communication dated 20.04.2022.



4. This writ appeal is disposed of in above terms, reserving liberty to the petitioners / appellants as prayed for. No costs. Consequently, connected Miscellaneous Petition would not survive.

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Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj/23

To

The Chief Mechanical Engineer,
V.O.Chidambaranar Port Trust,
Mechanical & Electrical Engineering Department,
Planning and Monitoring Division,
Tuticorin - 628 004.

W.A(MD)No.39 of 2022
20.04.2022

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TR(28.04.2022) 3P 2C