



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.4840 of 2022

and

W.M.P. (MD) .Nos.4002 and 4008 of 2022

M/s.PSA India Investments Pte Limited,
#03-00 PSA Horizons,
1 Harbour Drive,
Singapore - 117352,
represented herein by its Authorized Signatory,
S.Nandakumar.

... Petitioner

Vs.

The Board of Trustees of V.O.Chidambaranar Port Trust,
Represented by its Chairperson
having its registered office at:
Administrative Building, Tuticorin Port Trust,
Tuticorin - 628 004.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent, culminating in the impugned letter dated 3rd February, 2002 bearing No.MEE. CMEP1-MIS-CONVE-V1-20(60768)/272 issued by the respondent by an in terms of which, the petitioner herein has been summarily disqualified from bidding for the conversion of 9th Berth, situated within the respondent Port, as Container Terminal, through Public-Private Partnership on a Design, Build, Finance, Operate and Transfer (DBFOT) basis and to quash and set aside the same as being arbitrary, unilateral and against the principles of natural justice, and to consequently direct the respondent herein to permit the petitioner to participate in the bidding process, while passing any corrigendum as may be required to extend time lines in order to permit such participation and due representation in the bidding process.

For Petitioner	:	Mr.Arvinth Pandian, Senior Counsel for Mr.S.Raghunathan
For Respondent	:	Mr.V.R.Shanmuganathan Standing Counsel for Mr.Yashwanth.



ORDER

Mr.V.R.Shanmuganathan, learned Standing Counsel representing Mr.Yashwanth, learned counsel for the respondent, on instructions, would submit that the respondent is withdrawing the impugned letter dated 03.02.2022. However, at the same time, he submits that liberty may be granted to the respondent to issue fresh notice to the petitioner and thereafter decide as to whether the pre-qualification bid submitted by the petitioner for the second stage can be accepted or not. The said statement is recorded.

2. Since the impugned letter is withdrawn by the respondent, no further orders are required to be passed in this Writ Petition.

3. Learned counsel for the petitioner also seeks liberty of this Court to submit a representation to the respondent seeking further time to the petitioner for submission of the second stage of the pre-qualification bid, if the petitioner so desires. Liberty is granted accordingly. However, it is for the respondent to take a call as to whether such an extension can be granted in favour of the petitioner or not.

4. After recording the statement made by Mr.V.R.Shanmuganathan, learned Standing Counsel for the respondent, this Writ Petition is disposed of. Since the impugned letter has been withdrawn by the respondent, the interim order granted by this Court on 18.03.2022 in W.M.P.(MD).No.4008 of 2022 shall stand vacated. There shall be no order as to costs. Consequently, W.M.P.(MD).No.4002 of 2022 stands closed.

Sd/-

Assistant Registrar(AD I)

/TRUE COPY/

24/03/2022

Sub Assistant Registrar(CS)

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

The Chairperson,
Board of Trustees of V.O.Chidambaranar Port Trust,
Administrative Building, Tuticorin Port Trust,
Tuticorin - 628 004.

W.P. (MD) .No.4840 of 2022
23.03.2022

MK/24.03.2022/3P/2C