



W.P.(MD)No.21498 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2025

CORAM

THE HONOURABLE **MR.JUSTICE V. LAKSHMINARAYANAN**

W.P.(MD)No.21498 of 2022

1.Bank of India,
rep. by its
Assistant General Manager Mr.Harish V.
Mumbai Large Corporate Branch,
Bank of India Building, 4th Floor,
70-80, M.G.Road, Fort, Mumbai – 400 001

2. Indian Bank,
rep. by its Deputy General Manager,
Mr.Santanu Bal
SAM Large Branch,
Office No.73, 7th Floor,
Mittal Chambers, Nariman Point,
Mumbai – 400 021.

3.Punjab National Bank,
rep. by its Chief Manager,
Mr.Shubrajit Mishra,
Plot No.4, Sector 10, Dwaraka, New Delhi – 110 075
and one of the office at
18th Floor, 181-A1,
Market Tower, E.Wing, Cuffe Parade Mumbai – 400 005.

4.Indian Infrastructure Finance Company,
rep. by its Assistant Manager,
Mr.Ravi Chouhan,
5th Floor, Block 2, Plate A and D,
NBCC Tower, East Kidwai Nagar,

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New Delhi – 110 023.

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5.Export Import Bank of India,
rep. by its
Assistant General Manager,
Rahul Narayan,
Special Situations Group,
Centre One Building,
Floor 21, World Trade Centre Complex,
Cuffe Parade, Mumbai – 400 005

6.Bajaj Finance Ltd.,
rep. by its Officer Mr.Hari Dasan Evk,
2nd Floor, B Wing, Mantri,
Near Hotel Four Point Sheraton,
Viman Nagar, Pune – 411 014

7.Indan Overseas Bank,
rep. by its Manager Mr.Vipin Mishra,
Assets Recovery Management Branch,
at 5th Floor, Maker Tower-E, Fuff Parade,
Mumbai – 400 005.

... Petitioners

vs.

1.V.O.Chidambaranar Port Authority,
rep. by its Chairman,
Administrative Office,
Harbour Estate,
Tuticorin – 628 004.

2.Tuticorin Coal Terminal Pvt. Ltd.,
rep. by Resolution Professional,
144, Jolly Maker Chambers II,
Nariman Point Mumbai,
Mumbai City MH 400 021 IN

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to terminate the concession Agreement, dated 11.09.2010 as per Article 15.2(a) and consequently, direct the 1st respondent to invoke Article 17.1(b) and consequently pay 90% of the debt of the 2nd respondent to the petitioners as per the Concession Agreement, dated 11.09.2010.

For Petitioners : Mr. Jaysoh Dolia
for M/s.S. Aiyar and Dolia
For Respondent No.1 : Mr.Sriram Venkata Varathan

ORDER

The present Writ Petition seeks for a Mandamus to direct the first respondent to terminate the Concession Agreement, entered into between the first and second respondents on 11.09.2010 invoking the Article 15.2(a) and also to pay 90% of the claim to the writ petitioners' in terms of the Concession Agreement.

2. I need not go into the details of the facts of the case for the purpose of passing the orders in this Writ Petition since the issue is pending before the NCLT at Mumbai.

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3. The first respondent, who is the Port Authority for the Tuticorin Port had entered into Concession Agreement with the 2nd respondent for the purpose of running a Coal terminal facility in the port. Due to non payment of amounts to the creditors, proceedings were initiated by the Bank of India viz., first writ petitioner herein before the National Company Law Tribunal, Mumbai Bench-IV in C.P(IB) No.4164/NCLT/MB/C-IV/2019 against the second respondent. In the said proceedings, orders were passed by the NCLT, Mumbai and currently CIRP proceedings are under going. When the CIRP proceedings are under way, if I were to pass any orders in this Writ Petition, it will amount to interfering with the said process.

5. Mr.Sriram Venkata Varathan, learned counsel appearing for the 1st respondent brought to my notice, the aforesaid facts when the matter was listed on 21.02.2025. In order to give an opportunity to the writ petitioners to make their submissions, I posted the matter on 26.02.2025 and again today, ie., on 10.03.2025.



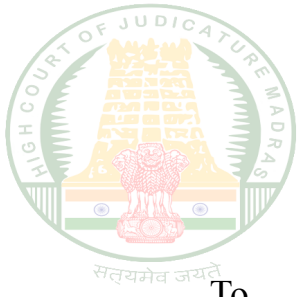
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6. Mr.Jayesh B. Dolia, learned counsel appearing for the petitioners also states that CIRP proceedings are pending and that in certain applications, arguments have been heard and orders have been reserved by the National Company Law Tribunal on Friday, i.e., on 07.03.2025.

7. Since the matter is pending before National Company Law Tribunal, Mumbai Bench, this Writ Petition is dismissed with liberty to the petitioners to approach the National Company Law Tribunal for any reliefs that may deem appropriate. No costs.

Index :Yes / No
NCC :Yes / No
trp

10.03.2025



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1. The Chairman,
Administrative Office,
Harbour Estate,
Tuticorin – 628 004.

2. Tuticorin Coal Terminal Pvt. Ltd.,
144, Jolly Maker Chambers II,
Nariman Point Mumbai,
Mumbai City MH 400 021 IN



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V. LAKSHMINARAYANAN, J.

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