

ITEM NO.45

COURT NO.5

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 7448/2020
(Arising out of impugned final judgment and order dated 10-01-2020
in WPL No. 50/2020 passed by the High Court Of Judicature At
Bombay)

OK MARINE (through its sole proprietor) Petitioner(s)

VERSUS

MUNICIPAL CORPORATION OF GREATER MUMBAI & ORS. Respondent(s)

(IA No. 53745/2020 - CLARIFICATION/DIRECTION
IA No. 53744/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 53742/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 99157/2021 - EXEMPTION FROM FILING O.T.
IA No. 53753/2020 - INTERVENTION/IMPLEADMENT
IA No. 57096/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 8068/2020 (IX)
(FOR FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
56970/2020 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 56971/2020
FOR EXEMPTION FROM FILING O.T. ON IA 99122/2021
IA No. 56971/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 56970/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 99122/2021 - EXEMPTION FROM FILING O.T.)

Date : 05-02-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Vinay Navare, Sr. Adv.
Mr. Akshay Girish Ringe, AOR
Mr. Prashant R. Dahat, Adv.
Mr. Punit Yadav, Adv.
Mr. Sourabh Gupta, Adv.

For Respondent(s) Mr. Dhruv Mehta, Sr. Adv.
Ms. Adity Sharma, Adv.
Mr. Buddy A. Ranganadhan, Adv.
Ms. Shefali Tripathi, Adv.
Mr. A. V. Rangam, AOR

Mr. Garvesh Kabra, AOR
Mrs. Amit Singh, Adv.
Mrs. Sujata Upadhyay, Adv.
Mr. Ahmer Shaikh, Adv.
Mr. Avanish Deshpande, Adv.
Mr. Udayaditya Banerjee, AOR
Mr. Gauraj Shah, Adv.
Ms. Shreya Bhojnagarwala, Adv.
Ms. Shubhangi Pandey, Adv.
Ms. Tanvi Chhphal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Vinay Navare, learned senior counsel appearing for OK Marine, Mr. Dhruv Mehta, learned senior counsel appearing for Mumbai Port Trust, Mr. Garvesh Kabra, learned counsel appearing for Municipal Corporation of Greater Mumbai and Mr. Gauraj Shah, learned counsel appearing for Harbour Water Suppliers Co. Pvt. Ltd.

The dispute primarily relates to arrangement for supply of water to the ships and barges at the Mumbai Port.

Tender was floated in the year 2019 for a period of three years and subsequent thereto, OK Marine was given extension periodically. At present also, they are supplying water to the ships and barges moored at the Mumbai Port.

Harbour Water Suppliers Co. Pvt. Ltd. is also desirous for undertaking the work for supply of water.

When this matter is called on today, Mr. Dhruv Mehta, learned senior counsel appearing for the Mumbai Port Trust submits that his clients are going to float a fresh tender very soon for licensing of plots in the port area to facilitate the supply of water to the ships and barges. He also submits that it would take about four months' time to complete the process.

The Mumbai Port Trust is willing to continue with the subsisting arrangement with OK Marine for the said period of four months approximately, till fresh allotment takes place. Undoubtedly, if otherwise eligible, Harbour Water Suppliers Co. Pvt. Ltd. shall be entitled to participate in the proposed tender process. Hence, we do not think that there is any necessity of continuing with the present special leave petitions. These petitions are, accordingly disposed of with a direction that until the process of allotting new plots within the port complex through tender is completed, OK Marine may continue to supply water as per the existing arrangement.

At the cost of repeating, we also observe that in the new tender process, Harbour Water Suppliers Co. Pvt. Ltd. alongwith other entities shall be entitled to participate subject to fulfilling the eligibility criteria.

The issues raised in the present set of petitions pertaining to eligibility of OK Marine shall stand closed, considering the fact that fresh tender process will now be undertaken.

Pending application(s), if any, shall also stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR