IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No. 8319 of 2015 (L)

PETITIONER(S):

AHAMED KABEER, AGED 64 YEARS
S/O. ABDUL RAHMAN, T.C.67/403/C
MANICKYAVILAKAM, THIRUVANANTHAPURAM- 695026.

BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENT(S):

1. THE KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM - 695 001
REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE DISTRICT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION, KATTAKADA
THIRUVANANTHAPURAM - 695 001.

3. THE ASSISTANT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION, KATTAKADA
THIRUVANANTHAPURAM - 695 001.

4. ANIL JOSE,
JOSE VILLA, KOTTANKUZHI, KATTAKKODU
KATTAKADA.P.O., THIRUVANANTHAPURAM 695 001.

R4 BY ADV. SRI.SHERRY J. THOMAS
R BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-07-2015, ALONG WITH WPC. 10052/2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 8319 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. TRUE COPY OF BROCHURE PUBLISHED BY THE FIRST RESPONDENT EVIDENCING THE POTENTIALITY OF THE SHOPPING COMPLEX.

EXT.P2. TRUE COPY OF THE TENDER NOTIFICATION ISSUED BY THE FIRST RESPONDENT.

EXT.P3. TRUE COPY OF THE NOTICE PUBLISHED BY THE 3RD RESPONDENT.

EXT.P4. TRUE COPY OF THE TERMS AND CONDITIONS FOR ALLOTMENT OF SHOPS PUBLISHED BY 1ST RESPONDENT.

EXT.P6. TRUE COPY OF THE REPRESENTATION DATED 10-3-2015.

EXT.P6. TRUE COPY OF THE REPRESENTATION DATED 16-3-2015 PREFERRED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

RESPONDENT(S)' EXHIBITS :

EXT.R4(a) TRUE COPY OF THE NOTICE DATED 29.1.2015

EXT.R4(b) TRUE COPY OF THE RECEIPT DATED 2.2.2015 FOR AN AMOUNT OF RS.17,10,000/-

EXT.R4(c) TRUE COPY OF THE ORDER NO.ES6/027680/08 DATED 18.3.2015

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) Nos.8319 & 10052 of 2015

Dated this the 7th day of July, 2015

J U D G M E N T

The Writ Petitions concern the auction of the right to conduct trade in Shop Room No.F4 of Kattakada Depot. The Kerala State Road Transport Corporation conducted the auction for the right to conduct trade for the period from 23.11.2013 to 23.11.2015. The highest tenderer who quoted ₹ 17,20,000/- towards refundable deposit withdrew from the auction. The Kerala State Road Transport Corporation did not choose to award the right to conduct trade to the next highest tenderer for 14 long months.

2. It was only on 18.3.2015 was the next highest tenderer (fourth respondent) allotted the right to conduct the trade in the Shop Room for a refundable deposit of ₹ 17,10,000/-. The petitioner contends that the price has rocketed by lapse of time and that there are persons to take Shop Room No.F4 after making a refundable deposit of ₹ 25 lakhs. The petitioner even deposited ₹ 25 lakhs by virtue of the interim order in W.P.(C) No.8319/2015 to show his eagerness to participate in the auction. As to why the Kerala State

Road Transport Corporation waited for 14 long months and as to why the right was parted in favour of the fourth respondent for the same amount of ₹ 17,10,000/- are matters for contemplation.

3. I do not intend to delve deep into all these aspects in view of the subsequent developments. The Kerala State Road Transport Corporation has offered to auction the right to conduct trade in Shop Room No.F4 for the period from 23.11.2015 onwards. The petitioner has offered to quote for a sum not less than ₹ 25 lakhs for the period after 23.11.2015. The sum of ₹ 25 lakhs deposited by the petitioner shall be retained with the Kerala State Road Transport Corporation till the date of next auction. The principal amount alone shall be retained permitting the petitioner to utilise the interest thereon in the meanwhile.

4. I do not wish to tamper with the right of the fourth respondent to conduct the Trade in Shop Room No.4 for the period till 23.11.2015. This is for the reason that the petitioner was not originally an

applicant even though he has expressed his willingness to take the Shop Room now for ₹ 25 lakhs and above. The fourth respondent shall be handed over possession of the Shop Room by the Kerala State Road Transport Corporation forthwith to enable him to conduct business uninterruptedly.

5. The Kerala State Road Transport Corporation is free to permit the fourth respondent to conduct Trade in Shop Room No.F4 for the period beyond 23.11.2015 on suitable terms. Such contingency would arise only if the petitioner is not willing to have the sum of ₹ 25 lakhs in deposit till the expiry of the period.

The Writ Petitions are disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.