

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL NO.37 OF 2015

DATED:4.2.2015

Between:

A.P. Mineral Development Corporation Ltd.,
Having its office at 6-2-915
3rd Floor, Rear Block
HMWSSB
Khairatabad, Hyderabad

... Appellant

And

Sri Chennakeshava Pulverizing Mill
Having its registered office
At D.No.9/162-D, Laxmi Nagar
Railway Kodur
Kadapa District
Rep. by its Managing Director
Gunipati Ramaiah

... Respondent

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT APPEAL NO.37 OF 2015

JUDGMENT: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

By consent of the parties, the appeal is disposed of by the following order. It is made clear that this order is passed by consent of the parties.

The order of the Hon'ble single Judge is set aside. The writ petitioner - respondent shall make a fresh representation for extension of time in terms of clause 14 of the agreement and if such representation is made within a period of seven days from the date of receipt of a copy of this order, the respondent – Corporation shall consider the same objectively and taking note of the reality of the situation. It is clear from clause 14 of the agreement that had the application been made indicating the events that had taken place, then extension would have been automatic. We notice from the records that series of representations were made and no decision was communicated either refusing to extend or granting extension. Ignoring technicalities of the matter, it shall be looked into objectively. The entire exercise shall be done after giving an opportunity of hearing to the writ petitioner and passing a speaking order. This shall be done within a period of six weeks from the date of the fresh representation. If no such representation is made, then the issue would be a closed chapter and our direction shall stand recalled, but the order of the learned single Judge will remain set aside. If, for any reason, the

extension is not granted and representation is not allowed, then further action consequent thereupon shall not be taken for a period of ten days from the date of communication of the decision. The parties will be free to take steps in accordance with law thereafter.

The writ appeal is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

4.2.2015

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