

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.39338/2016 & WMP.Nos.33662 to 33664/2016

M/s.Arenco Catering rep.by its
Managing Partner
K.P.Shaifque, S/o.K.P.Babu
Babu Complex, Treasury Building
Peroke, Calicut 673631, Kerala. .. Petitioner

Vs

- 1.The Chief Commercial Manager/PS
The Southern Railway, Park Town
Chennai 600 003.
- 2.The Deputy Chief Commercial Manager/PS-II
The Southern Railway, Commercial Branch
Catering Section, Park Town
Chennai 600 003. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records relating to the Letter No.C.86/PC/12077-78/MAS-BZA Express/2014 dated 08.09.2016 of the 2nd respondent herein and quash the same and consequently, direct the respondents to permit the petitioner to pay the 2nd instalment of License Fee in respect of Train No.12077-78 Chennai Central - Vijayawada Junction, Janshatabdi Express, for a period of two years, i.e., 13.08.2016 to 12.08.2018, with applicable penal interest on or before 28.02.2017.

For Petitioner : Mr.Ar.L.Sundaresan, Senior Counsel
for M/s.A.L.Gandhimathi
For Respondents: Mr.P.T.Ramkumar, Standing Counsel

ORDER

Heard Mr.Ar.L.Sundaresan, learned Senior Counsel appearing for M/s.A.L.Gandhimathi, learned counsel for the petitioner ; and Mr.P.T.Ramkumar, learned Standing Counsel who accepts notice on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2 As evidenced from the Impugned order of the 2nd respondent dated 08.09.2016, the petitioner required to pay the 2nd instalment of license fee, viz., Rs.52,40,000/- on or before 28.02.2017 with penal charges ; but citing the poor quality of service rendered, the petitioner was directed to pay the said amount on or before 12.11.2016, vide the present impugned order. Challenging the same, the petitioner is before this Court.

3 The learned Senior Counsel, after elaborate arguments, has sought for some time limit to pay the said 2nd instalment license fee. According to the learned Senior counsel, the petitioner has earlier sought time till 28.02.2017 to pay the said amount ; but for the reasons best known to the respondents, the petitioner was directed to pay the said sum on or before 12.11.2016 itself.

4 The learned Standing counsel appearing for the respondents has objection in granting time to the petitioner for payment of the impugned amount.

5 The learned Senior Counsel appearing for the petitioner also pointed out that due to recent development, they are not able to get the Bank Demand Drafts also and hence, prays some leniency for payment.

6 Accordingly, the petitioner is directed to pay the 2nd instalment of license fee [for the 3rd and 4th year], viz., Rs.,52,40,000/- in the following manner:-

[a] a sum of Rs.15,00,000/- [Rupees fifteen lakhs only] to be paid on or before 15.11.2016 ;

[b] a sum of Rs.11, 00,000/- [Rupees eleven lakhs only] to be paid on or before 30.11.2016 ; and

[c] the balance amount to be paid along with the penal interest and any other charges on or before 31.12.2016.

It is made clear that failure to comply with any one of the above conditions, will automatically entitle the respondents to take action in accordance with law and it is further made clear that no further extension of time would be granted. The petitioner is also directed to abide by any other conditions imposed / to be imposed by the respondents.

7 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chief Commercial Manager/PS
The Southern Railway, Park Town
Chennai 600 003.
- 2.The Deputy Chief Commercial Manager/PS-II
The Southern Railway, Commercial Branch
Catering Section, Park Town
Chennai 600 003.

+1cc to Mr.A.L.Ganthimathi, Advocate Sr.64760
+1cc to Mr.P.T.Ramkumar, Advocate Sr.64704

WP.No.39338/2016

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srg 16/11/2016

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