

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.42911 of 2016

Date: 14.12.2016

Between:

M/s. Al-Sab Co, rep. by its Authorized Signatory,
Ms. Shaik Neelofer, 8-1-363/105, 2nd Floor,
Beside AdityaPark, Adityanagar Colony,
Tolichowk, Hyderabad.

.....Petitioner

and

The State of Telangana, rep.byits Principal
Secretary, Municipal Admn. & Urban Development,
Secretariat Buildings, Hyderabad and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Subject matter of the writ petition is against action of the respondent-Municipal Corporation demanding payment of second year annual bid amount in terms of agreement.

2. Learned counsel for petitioner contends that there was a delay in handing over of the site and, therefore, commencement of contract has to be treated only w.e.f. 01.09.2014. Petitioner earlier filed W.P.No.5790 of 2016 alleging that straightaway order was passed on 30.01.2016, without giving due opportunity. This Court disposed of the said writ petition, by order dated 23.02.2016, directing the competent authority of the Municipal Corporation to treat the order dated 30.01.2016 as show-cause notice, consider the explanation submitted by the petitioner on 12.02.2016 and to pass appropriate orders. As a consequence to the said direction, order impugned in the writ petition is made.

3. Petitioner through his letter dated 12.02.2016 filed objections on the notice dated 30.01.2016. It is now alleged that all the objections raised in the earlier letter were not considered and again perfunctory order was passed.

4. From the representation/explanation dated 12.02.2016, it is seen that petitioner had raised objections on each of the issues. The primary grievance of the petitioner appears to be certain hoardings removed to facilitate the free flow of traffic and for Bus-bay development were not handed over to him in time. There were several other issues which imposed constraint in utilizing the

space given to them and all these aspects ought to have been considered while passing final orders, whereas mechanically, by referring to various provisions of the terms of contract, the order impugned was passed, directing the petitioner to pay the second year annual bid amount.

5. A bare perusal of the order impugned, it is seen that order deals with various clauses of the terms of contract and holds that petitioner has not placed the proper material to show that the contract does not commence from 01.09.2014 and, therefore, rejects the objections. The other issues, raised in the objections, are not considered.

6. Having regard to the same, matter is remitted to the respondent-Municipal Corporation for consideration of all the objections raised by the petitioner in his letter dated 12.02.2016 and to pass appropriate orders by assigning due reasons and communicate the same to the petitioner. However, it is seen that petitioner is involved in display systems and utilizing them. Thus, petitioner shall pay the amount, as demanded in the order impugned, within a period of two weeks from date of receipt of the copy of this order. The authority shall consider the issue and pass appropriate orders after receipt of the amount paid by the petitioner within further period of two weeks. It is needless to observe that if the authority agrees with the stand of the petitioner and holds that petitioner is not liable to pay the amount as demanded now or part thereof, such amount shall be refunded to the petitioner within two weeks of such decision.

7. Writ petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

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