

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21589 of 2016

ORDER:

In this writ petition, the petitioner seeks a writ of mandamus to declare the action of the respondents in issuing the termination notice dated 22.6.2016 issued by the 4th respondent as illegal and arbitrary and consequently, to set aside the same and direct the respondents to continue the contract in terms of the agreement and also to direct the respondents to handover the R.O. plants at Tirupati Railway Station and Chittoor Railway Station and to pay the bills due to the petitioner.

The main grievance of the petitioner is that though he is supplying the R.O. water to the Chittoor and Tirupati Railway stations up to the standards as per the contract agreement, for the reasons best known to the respondents, the railway officials-respondents cancelled the contract on 22.06.2016. In the said cancellation proceedings, though it is stated that three notices were served on the petitioner, according to petitioner, notices were served regarding the R.O. plant at Tirupati Railway Station and he duly reply the same, but regarding the R.O. plant at Chittoor Railway Station, absolutely no notices were served on him and no opportunity of hearing was afforded to him.

On the other hand, the learned standing counsel for Railways *inter alia* submitted that the petitioner has not supplied the water upto the standards and did not run the units as per the terms of the agreement and that the petitioner never turned up for quality control check as agreed in the contract. Though the petitioner received 7 days' time notices issued by the respondents, he did not make any arrangements to start RO plant with proper repairs.

Heard and perused the material available on record.

Though there are several allegations and rival submissions by the parties, the fact remains that the R.O. unit was not handed over to any third party for further period of contract even though the contract of the petitioner is terminated in the month of June, 2016. In view of the same, after persuading the counsel for the petitioner and the learned standing counsel, the writ petition is disposed of with the following directions:

The impugned order is set aside and the respondents are directed to permit the petitioner to run the R.O. water unit to supply the water to the Railway stations as per the terms and conditions of the contract agreement and that the respondents are directed to pay/settle the pending bills to the petitioner as per the terms of contract for which the petitioner is entitled to. The respondents shall handover the R.O. plant on or before 24th November, 2016 to the petitioner and the petitioner is directed to supply the water duly maintaining the standards prescribed in the contract. In future, if the petitioner violates any of the conditions of the contract, the respondents are at liberty to take appropriate action against the petitioner in accordance with law.

There shall be no order as to costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

10.11.2016
Tsr

