

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.33280 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“... to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus to direct the 2nd respondent to consider the representation of the petitioner dt.06.09.2017 by extending the time to furnish the Bank Guarantee for Rs.14.80 Crores in pursuant to LOI dated 19.08.2011 and also execute the agreement in favour of the petitioner in respect of ICBT (Inter City Bus Terminal) Project at Miyapur, Ranga Reddy District and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

I have heard the submissions of Sri B. Chandrasen Reddy, learned counsel appearing for the petitioners, and of Sri Y. Rama Rao, learned standing counsel appearing for the 2nd respondent. I have perused the material record including the pleadings of the parties.

At the outset, it is to be noted that, on 06.10.2017, this Court granted the following interim order: -**‘In the meanwhile, there shall be no coercive action against the petitioners in respect of letter of intent, dated 19.08.2011.’** The said order is being extended from time to time and is in force as on today.

As could be seen from the pleadings, the main relief sought in the writ petition is to direct the 2nd respondent to consider the representation, dated 06.09.2017, of the petitioners by extending time to

furnish bank guarantee in a sum of Rs.14.80 Crores pursuant to the letter of intent, dated 19.08.2011, and also to direct to execute the agreement in favour of the petitioners in respect of Inter City Bus Terminal Project at Miyapur, Ranga Reddy District.

At the hearing, learned counsel for the petitioners would submit that there are certain subsequent events including a litigation pending in the Court at Ranga Reddy and, therefore, the petitioners are required to make fresh representation bringing to the notice of the authority, the relevant facts and the subsequent events for consideration of their request in an appropriate manner.

Learned Standing Counsel forcefully submits that the bank guarantee ought to have been submitted in December, 2016, and that though we are now in December, 2017, the matter is being dragged upon and, therefore, the writ petition can be disposed of with appropriate directions.

Learned counsel for the petitioners, while endorsing the said submissions, would submit that an opportunity may be granted to the petitioners to submit fresh representation with all the facts and till the concerned authority disposes the said representation of the petitioners, interests of the petitioners may be protected.

Having regard to the facts and submissions, the Writ Petition is disposed of reserving liberty to the petitioners to submit a fresh representation to the 2nd respondent, within 10 (ten) days from the date of receipt of a copy of this order; on the petitioners submitting the said representation along with copies of all material documents, on which

they intend to rely, the 2nd respondent shall consider the said fresh representation as well as the earlier representation, dated 06.09.2017, of the petitioners and take an appropriate considered decision in the matter and pass an order by recording reasons therefor, within a week thereafter and forthwith communicate the decision taken thereon to the petitioners. Till such exercise is completed, the respondents are directed not to take any coercive action in respect of the letter of intent, dated 19.08.2011. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

22.12.2017

Note: Issue CC in two days.

[B/o]
Vjl

M.SEETHARAMA MURTI, J

