

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.34094 OF 2017

ORDER:

The short and long of petitioners' prayer is that the respondents are not considering the request of renewal made by petitioners through letters dated 12.10.2017, 01.11.2017 and 09.11.2017.

The writ petition was heard and this Court has also passed both status-quo order and also a conditional order on respondents to file counter affidavit in the writ petition. The 5th respondent filed counter affidavit and the counsel appearing for the parties submit that the stand of 5th respondent can be stated in this order and writ petition, disposed of accordingly.

The portions which have bearing for the disposal read thus:

“As per the Hqrs letter No.C.78/F/Catg.Policy/2017/Vol1 dated 02.06.2017, the renewal of catering units by IRCTC shall be governed as per the terms and conditions in the agreement signed by IRCTC with licensees. As such the currency period of Modular catering stall at Adoni expired on 31.10.2017 and tenders were called for allotment of Modular catering stall at Adoni vide this office tender notification No.Catg/GMU/3/2017 dated 25.09.2017. Tenders were opened on 30.10.2017.

In reply to paragraph 8 of the affidavit it is submitted that meanwhile a clarification is received from Hqrs vide C.78/F/Catg.Policy/2016/Vol.I dated 30.10.2017, stating that the instructions issued with regard to renewal of licenses for stalls allotted by IRCTC issued by Hqrs vide their letter dated 02.06.2017 stand withdrawn with immediate effect. It is submitted that under the said instructions it was also instructed to discharge all these tenders, if any, floated for the stalls

which were awarded by IRCTC and are eligible for renewal in terms of CC.No.22 of 2017.

In reply to paragraph 10 and 11 of the affidavit, it is submitted that the applications seeking renewal of license by the petitioner were under consideration and the petitioners are required to furnish certain documents as per the Catering Policy, 2010 and upon furnishing the same their application should be considered.

The writ petition is premature and the petitioners have rushed to the court without completing formalities by furnishing the papers as required by the department and the writ petition is liable to be dismissed.”

From the above, it is clear that the request of petitioners is under consideration and subject to petitioners complying with the requirements, a decision would be taken.

According to the applicable policy, by placing on record the stand of respondents taken in the counter affidavit, to meet the ends of justice, the Court considers passing the following order.

“The possession and enjoyment of petitioners’ shops as on date are directed to be maintained subject to petitioners complying with the corresponding obligations till a decision is taken and communicated.”

Writ petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

07.12.2017
dv

