

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3600 of 2014

ORDER:

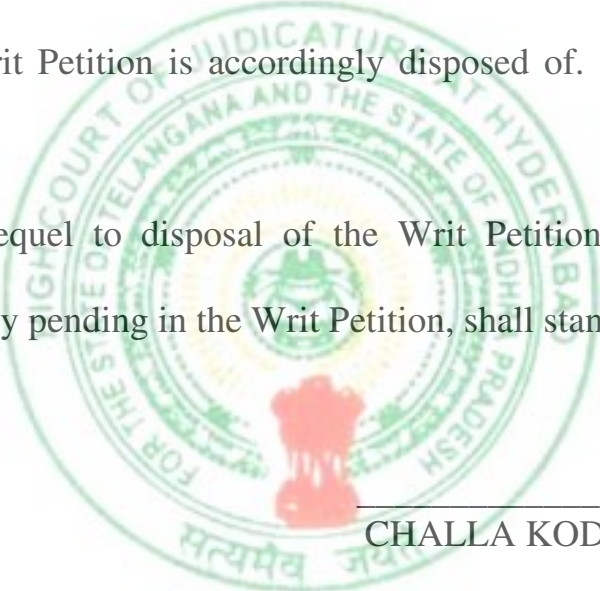
Petitioner is a milk products marketing federation popularly known as "Amul". It is the case of the petitioner that on account of the non-cooperative attitude of the respondents for about a period of two months, i.e. from 15.08.2013 to 14.10.2013, petitioner could not commence its operations; further, the respondents are insisting for payment of the licence fee in terms of the licence deed dated 19.08.2013. Petitioner requests for remission of the licence fee and the same is yet to be considered; meanwhile respondents have raised demands, demanding said amount.

Writ Petition is resisted by the learned standing counsel for the respondents and he would submit that petitioners had to approach the authorities to resolve the controversy. A perusal of the deed of licence, particularly, clause 38 discloses that in case of any dispute arising on the terms and conditions of the deed of licence, decision of the Managing Director of the Road Transport Corporation shall be final and binding. In other words, Managing Director has been named as competent to resolve the disputes. Essentially, whether the facilities offered at the licenced premises were made ready, so as to enable the petitioner to commence operations, being a question of fact depending on the material that may be placed by the petitioners as well as the respondents-Corporation, it would be in the interest of justice that matter be considered by the Managing Director of the

respondents-Corporation. Petitioners shall approach the 2nd respondent-Vice Chairman & Managing Director, putting forward their grievance, who shall consider the same in terms of clause 38 of the deed of licence. Till a decision is taken by the 2nd respondent-Managing Director, no coercive steps shall be taken for collection of the demanded amount. The 2nd respondent-Managing Director shall consider the representation that is filed or that may be filed by the petitioner within a period of eight weeks from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

As a sequel to disposal of the Writ Petition, miscellaneous petitions, if any pending in the Writ Petition, shall stand closed.



CHALLA KODANDA RAM, J

January 3, 2017
MRR