

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.16329 OF 2005

ORDER:

The petitioner filed this writ petition seeking to declare the proceedings of the second respondent dated 14-07-2005 in NHAI/12760/PIU-VSP/TOLL/2005/2381 and also Clause 37 of the agreement dated 30-06-2005 as illegal arbitrary, unconstitutional, unreasonable and without any power or authority or jurisdiction and to set aside the same.

2. The petitioner entered into a contract with second respondent on 30-06-2005 for collection of fee from the vehicles plying on National Highway from KM 371.20 of Vijayawada – Visakhapatnam Section of NH-5 (old chainage) of KH 728.055 of Kolkata – Chennai corridor of GQ (new chainage) Aganampudi, Visakhapatnam District for KM 358.0 to KM 395.875 on Vijayawada- Vasakhapatnam – Bhuvaneswar Section of NH-5 (old chainage) or KM 700.544 to KM 741.256 of Kolkata – Channai Section of NH 5. The period of contract was from 1-7-2005 to 30-06-2006 for Rs.4,90,11,516/- and for the subsequent period from 1-07-2006 to 30-06-2007, the amount payable was Rs.5,00,04,000/-. The agreement has been engrossed on hundred rupees stamp paper and all required formalities have been completed by the petitioner except compliance of Clause 37 i.e., with regard to stamping and engrossing. Thereafter, the second respondent addressed a letter dated 14-07-2005 in NHAI/12760/PIU-VSP/TOLL/2005/2381, demanding the petitioner to comply the

requisites of Clause 37 of the agreement. Questioning the said letter, this writ petition has been filed.

3. Heard.

4. In view of the fact that contract has been came to an end by afflux of time and when there is no subsequent cause of action apart from the letter dated 14-07-2005 of the second respondent, deciding the merits of the case at this stage and adjudicating the issue in this writ petition is of no avail.

5. Accordingly, the writ petition is dismissed. No costs. As a sequel, the Miscellaneous Petitions, pending if any, shall stand closed.

Date: 17-11-2017
Shr

T.AMARNATH GOUD, J

