

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.23937 OF 2017

ORDER:

Heard learned counsel for petitioner and learned standing counsel for respondents.

The facts in this case are not in dispute. The petitioner was appointed as 'Stage-II Transport Contractor' pursuant to the tender notice floated by the respondents 1 and 2. The contract is for transportation of essential commodities @ Rs.8/- per quintal for MLS Point Nakrekal for the year 2016-17. Though the initial contract was up to 31.03.2017, it was extended upto 30.06.2017, for which the petitioner has agreed. Thereafter, the petitioner did not agree for extension of the contract. In spite of the same, by withholding the amount due to the petitioner, he is being forced to execute work for the period beyond 30.06.2017 at old rates and the petitioner is not willing to execute the work. The petitioner stopped transporting the essential commodities after the expiry of the extended period on 30.06.2017. When the amount due to him was not paid, the present writ petition is filed.

Though in the counter affidavit it is stated that the contract period was extended for a further period from 01.07.2017 to 30.09.2017, learned counsel for the petitioner submits that the said extension is unilateral and the petitioner never agreed for the said extension. The counter affidavit also states that if the contractor fails to transport the stocks, action would be taken under clause 8(1)(b) of the Agreement and the contract would be terminated.

In the present case, the termination of contract does not arise as the period of contract itself expired and by unilateral extension of contract, the respondents cannot force the petitioner to execute the work.

The writ petition is accordingly allowed and the respondents 1 and 2 are directed to settle the bills of the petitioner within fifteen (15) days from the date of receipt of copy of this order. Consequently, miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

01.08.2017

Note: Issue CC by 03.08.2017.
(By order)
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