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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5227/2017

M/S OTIK HOTELS AND RESORTS PRIVATE LIMITED

..... Petitioner

Through Mr. Manjit Singh Ahluwalia, Adv.

versus

INDIAN RAILWAY CATERING AND TOURISM, CORPORATION
LTD.

..... Respondent

Through Mr. Nikhil Majithia, Adv.

+ W.P.(C) 5229/2017

M/S OTIK HOTELS AND RESORTS PRIVATE LIMITED

..... Petitioner

Through Mr. Manjit Singh Ahluwalia, Adv.

versus

INDIAN RAILWAY CATERING AND TOURISM CORPORATION
LTD.

..... Respondent

Through Mr. Nikhil Majithia, Adv.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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07.06.2017

On the last date of hearing, the following order was passed:-

“Challenge in these writ petitions is to the order dated 25.05.2017 by which the temporary licence to Train Nos.22837-38 and 12311-14 respectively stand terminated on account of non-compliance with the terms of the letter of award. Mr. Nikhil Majithia, learned counsel for the respondents, who enters appearance on an advance

copy, submits that the present writ petitions have become infructuous for the reason that in subsequent tenders opened on 01.06.2017, the successful bidders have been awarded the contract on a higher licence fee.

Mr. Ahluwalia, learned counsel for the petitioners, at this stage, on instructions submits that the petitioners would only pray that the period of black listing of one year may be reduced to one month as it was also done by this Court in a W.P(C). 9159/2016 decided on 05.10.2016 which was between the same parties and prays that the deposit made by him be refunded. Mr. Ahluwalia, submits that the concession sought has been considered by the Railways favourably in respect of other contractors and thus, he prays that he should be given a fair treatment and not be singled out.

Mr. Ahluwalia, learned counsel for the petitioners also submits that if the indulgence is shown to the petitioner, the petitioner would not seek such a concession in future.

Mr. Majithia, learned counsel for the respondents submits that the petitioner is relying on an order where he was the petitioner, and being a repeated defaulter the petitioner cannot derive the benefit of the order dated 05.10.2016. Mr. Majithia, submits that he would seek instructions in the matter.

List on 07.06.2017, to enable the counsel for the respondents to seek instructions.”

Today, the learned counsel for the respondent submits that no amount has been deposited by the petitioner in W.P. (C) No.5229/2017. He further submits that the respondent is not willing to grant concession to the petitioner by refunding the deposit made in W.P. (C) No.5227/2017. The respondent is also not willing to reduce the period of blacklisting from one year to one month.

At this stage, both the writ petitions are disposed of as not pressed, with liberty to the petitioner to take recourse to such remedies as available in accordance with law. The concession made by Mr.Ahluwalia on 02.06.2017 to the effect that in case indulgence is shown to the petitioner, the petitioner would

not seek concession in future, is also deemed to be withdrawn.

Dasti, under the signatures of the Court Master.

C.M. No.22207/2017 (stay) in W.P.(C) 5227/2017 and
C.M. No.22212/2017 (stay) in W.P.(C) 5229/2017

Applications stand disposed of in view of the order passed in the writ petitions.

G.S.SISTANI, J.
(VACATION JUDGE)

VINOD GOEL, J.
(VACATION JUDGE)

JUNE 07, 2017/ka

W.P.(C) 5227/2017 etc.

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