

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition Nos.18021 of 2009, 23742 of 2009, 14997 of 2010
and 26086 of 2010

Common Order:

Since the issue involved in all these four Writ Petitions is common in nature, they are being disposed of by this common order.

The case of the petitioner, in brief, is that pursuant to the tender notice issued by the respondent Corporation in December 2008 the petitioner was awarded the contract for collection of trade licence fees in Warangal Municipal Corporation on payment of a sum of Rs.1.19 Crores for a period of two years and an agreement dated 21.01.2009 was entered between the petitioner and the respondent Corporation and the petitioner paid an amount of Rs.42,87,500/- which included earnest money deposit advance amount deposited at the time of submitting the tenders; as per Clause 13 of the agreement the petitioner is entitled to adjust the amounts, if any, collected by the respondent through its e-seva centres for the financial year 2008-2009; and the respondent collected the trade licence fee directly from E-Seva centres for the period from 01.04.2008 to 21.01.2009 i.e., more than nine (9) months; the amount collected by the respondent for the said period has not been accounted to the petitioner; on 30.06.2009 the respondent issued a show cause notice calling upon the petitioner to show cause as to why the tender should not be cancelled for deviation of tender conditions and the petitioner submitted a reply to the said show cause notice; subsequently, the respondent issued proceedings dated 18.08.2009 cancelling the agreement dated 21.01.2009 and directing the petitioner to pay the dues immediately; challenging the said proceedings the petitioner filed W.P.No.18021 of 2009; pending the said Writ Petition when the

respondent issued orders dated 28.10.2009 demanding a sum of Rs.42,62,950/-, the petitioner filed W.P.No.23742 of 2009 and pursuant to the interim orders passed by this Court in the said Writ Petition the petitioner deposited a sum of Rs.20,00,000/-; while so, the respondent Corporation unilaterally sealed the shop under proceedings dated 12.05.2010 and the same was challenged in W.P.No.14997 of 2010; this Court by order dated 21.07.2010 directed the respondent to release the business premises of the petitioner and the said order is still subsisting; again the respondent issued the impugned notice dated 12.10.2010 directing the petitioner to pay the due amount of Rs.22,62,950/- and aggrieved by the same, the petitioner filed WP No.26086 of 2010; the grievance of the petitioner is that since the respondent did not come forward to disclose the trade licence fee collected by it for the period from 01.04.2008 to 21.01.2009 the petitioner is under no obligation to pay the alleged balance amount.

Counter affidavit has been filed by the respondent Corporation stating, *inter alia*, that the Corporation has calculated the trade licence fee collected through E-Seva centers which comes to Rs.18,99,500/- and calculated the amount payable by the petitioner till cancellation of the tender agreement, duly deducting the amount already paid by the petitioner and also the amount collected by the Corporation through E-Seva centers and finally the due amount payable by the petitioner comes to Rs.42,62,950/- and, accordingly, the order dated 28.10.2009 was issued directing the petitioner to pay the balance amount of Rs.42,62,950/-; against the said order the petitioner filed W.P.No.23742 of 2009 and this Court, by order dated 04.11.2009, granted interim stay on condition of the petitioner depositing a sum of Rs.20,00,000/-. After deduction of the amount of Rs.20,00,000/- paid by the petitioner as per

the orders of this Court in WP No.23742 of 2009 and Rs.5,00,000/- as per the orders of this Court in WP No.26086 of 2010, still an amount of Rs.17,62,950/- is due to be payable by the petitioner to the respondent Corporation.

When the matter came up for hearing, learned counsel for the respondent passed on a calculation memo with regard to the amounts payable by the petitioner towards trade licence fees. According to the said calculation memo issued by the Municipal Health Officer, Greater Warangal Municipal Corporation, the total amount due from the petitioner is Rs.17,62,550/-.

Learned counsel for the petitioner submits that he would file a detailed representation to the respondent giving details with regard to the amounts collected and paid to the Corporation.

In that view of the matter, the Writ Petitions are disposed of directing the petitioner to file a detailed representation to the respondent giving details with regard to the amounts collected and paid to the Corporation within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation from the petitioner the respondent shall consider the same and pass appropriate orders thereon and take necessary action in accordance with law. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in these Writ Petitions shall stand closed.

KONGARA VIJAYA LAKSHMI, J.

Date: 03.12.2018
Nsr

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