

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-12780-2017 (O&M)

203/3

Date of Decision: 30.04.2018

SANTOSH KUMAR SHARMA

...Petitioner(s).

Versus

**CHANDIGARH INDUSTRIAL TOURISM DEVELOPMENT
CORPORATION LTD.**

...Respondent(s).

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. B.S. Sewak, Advocate
for the petitioner.

Ms. Madhu Dayal, Advocate for the respondent.

ANUPINDER SINGH GREWAL, J.

The petitioner is seeking a writ in the nature of certiorari for quashing the impugned order dated 16.05.2017 (Annexure P-6) vide which the extension of two years for booth No.4 at Chef Lakeview, Chandigarh beyond 05.06.2017 has been illegally declined and without assigning any reason. He has further sought a direction for quashing the tender notice published in the newspaper for the allotment of booth No.4 at Chef Lakeview, Chandigarh. A direction has also been sought to the respondent-Corporation to extend the period of petitioner's license of the said booth by two years in view of the terms and conditions of allotment letter dated 06.06.2014, as the petitioner has spent a huge amount on fittings and he is ready to pay the rent at 10% annual increase on the existing terms and conditions to the respondent-Corporation.

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2. The petitioner is stated to have been allotted booth No.4 at Chef Lakeview, Chandigarh for confectionary business vide letter dated 06.06.2014 subject to various terms and conditions as set out therein. Copy of the allotment letter is annexed as Annexure P-1. It is the case of the petitioner that he is running the booth with the help of 2-3 helpers and paying the rent and electricity bills regularly to the respondent-Corporation. The copies of the receipts in this regard are annexed as Annexure P-2 and Annexure P-3. It is further stated that the petitioner has not violated any condition of allotment. He has neither partitioned the booth nor turned it into partnership with anyone else. It is also stated that a false complaint had been made against the petitioner alleging that he had entered into a partnership deed. A show cause notice was issued by the respondent-Corporation to the petitioner.

3. The petitioner replied to the show cause notice and denied any violation of the terms and conditions of the allotment. The respondent-Corporation without affording an opportunity of hearing to the petitioner decided to terminate his allotment on 21.08.2014. The petitioner challenged the order dated 21.08.2014 by filing petition bearing CWP No.23216 of 2015, which was allowed on 16.01.2017. A copy of the order dated 16.01.2017 is annexed as Annexure P-4. It is also stated that as per the terms and conditions of the allotment, the initial license period was for a period of three years which was extendable for another two years

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on the terms and conditions and license fee as may be mutually settled. The petitioner had sought the extension of license for a period of two years and submitted his request on 21.04.2017. A copy of the letter dated 21.04.2017 is annexed as Annexure P-5. The request of the petitioner was declined by the respondent-Corporation without any reason and he was directed to handover the vacant possession on 05.06.2017 by letter dated 16.05.2017. A copy of the letter dated 16.05.2017 is annexed as Annexure P-6. The petitioner has alleged that he has been discriminated against as the extension has been denied to him without assigning any reason while in the case of other similarly situated licensees of booth No.7 and 8, the respondent-Corporation had extended the licenses. A copy of the letter of extension granted in favour of one Rohit Sharma has been annexed as Annexure P-7. The respondent-Corporation, thereafter, issued public notice on 23.05.2017, inviting tenders for booth No.4. A copy of the public notice is annexed as Annexure P-8.

4. The respondent is stated to have issued another notice on 05.12.2017 inviting e-bids for allotment of booth No.4 at Chef Lakeview, Chandigarh for carrying out the confectionary business, which was challenged by the petitioner by filing a petition bearing CWP No.130 of 2018. In reply thereto it was stated by the respondents that the eviction letter dated 01.03.2018 has been withdrawn and the extension of the remaining contract for a period

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of two years till 05.06.2019 has been allowed to the petitioner and the said petition has been disposed of today as infructuous.

5. In view of the petitioners contract having been extended, this petition has also been rendered infructuous and stands disposed of in same terms as CWP No.130 of 2018.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

30.04.2018

SwarnjitS

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO