

Mr. A.A.Siddiqui with Ms. Farzana Sawant, Ms. Adeeba Khan, for Petitioner.
Ms. Lata Patne I/by Mr. Vinod Joshi, for Respondent No.1.
Ms. Shraddha Shetty I/by Mr. Ashish Mehta, for Respondent Nos.2 and 3.

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**
DATE: 1st AUGUST, 2019

P.C.:

1. The Petitioner's Company is incorporated by Ms. Asha Suri, widow of an Army Officer who died on duty in Agartala, Tripura). The Respondent No.1 is the Canteen Store Department (CSD) which sells various consumable goods to the members and employees of defence forces on concessional prices. The Respondent No.2 is the Ministry of Defence. The CSD is primarily set up to provide easy access to quality products of daily use at prices lesser than market rates to the soldiers, ex-servicemen and their families.

2. According to the Petitioner, over the years, they have supplied the best quality products at reasonable prices and adhered to all the terms and conditions that have been set out by the CSD. By the impugned letter, the Respondent No.1 has deleted the products supplied by the Petitioner because of which the business of the

Petitioner will not be able to survive. The Petitioner has thereafter, filed the present Petition seeking restraint orders against the Respondents or their subordinates from taking any action of deletion of the items supplied by the Petitioner's Company and to forthwith restart the sell of the items supplied by the Petitioner.

3. The Respondent No.1 – General Manager, Canteen Store, has filed an Affidavit wherein it is stated that the Petitioner has not exhausted the remedy available i.e. preferring an appeal against the impugned order before the Board of Administration. The learned Advocate for the Respondent No.1 has admitted that if the Petitioner files an Application/Appeal before the Board of Administration, the same shall be disposed of within a period of four weeks from the date of receipt of such Application/Appeal being filed before the Board of Administration. In view thereof, the Petitioner shall file an Application/Appeal before the Board of Administration within two weeks from today. Upon receipt of such Application/Appeal, the Board of Administration shall hear the Petitioner and after considering the submissions of the Petitioner, pass necessary orders within a period of four weeks thereafter.

3. The Writ Petition is accordingly disposed of.

4. All concerned to act on an ordinary copy of this order duly authenticated by the Private Secretary of this Court.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)