

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.7172 of 2019

and

W.M.P.No.7897 of 2019

M/s. Vasantham Catering
No.137/18, Saint Pauls Complex,
'A' Block, Bharathiyar Salai Contonment,
Trichy - 620 001
rep. by its Proprietor. ... Petitioner

Vs

1. Indian Railway Catering and Tourism Corporation Ltd.,
Rep. by its Chairman and Managing Director,
Corporate Office, 11th Floor,
'B' Block, 148 Statesman House,
Bhartkambar Road,
New Delhi 110 001.
2. The Group General Manager,
Indian Railway Catering and Tourism Corporation Limited,
6 'A' The Rain Tree Place,
9, Mc Nichols Road,
Chetpet,
Chennai - 600 031.
3. The Assistant General Manager/C.S.& RNP/SZ
Indian Railway Catering Tourism Corporation Limited,
6 'A' The Rain Tree Place,
9, Mc Nichols Road,
Chetpet,
Chennai - 600 031. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent herein bearing No.2018/IRCTC/SZ/temporary/TSV/SR dated 28.02.2019 and quash the same and direct the 2nd respondent herein to consider the representation of the petitioner in respect of Section I, Section II and Section IX under Tender Notification No.IRCTC/SZ/TSV/Genl/ 18-19/01 dated 24.09.2018 and refund the

license fees, security deposit and other amounts paid by the petitioner.

For Petitioner : Mr.AR.L.Sundaresan,
Senior counsel
for Mrs.AL.Ganthimathi

For Respondents : Mr.V.G.Suresh Kumar
Standing Counsel

O R D E R

The petitioner has challenged the proceedings of the 2nd respondent dated 28.02.2019, wherein and whereby, the petitioner was called upon to pay the special security deposit amount of Rs.30,00,000/- on or before 03.03.2019 and commence TSV Services in all 3 sections trains awarded to the petitioner on or before 08.03.2019 with an indication that failure to do so, will follow consequences of violation of tender conditions.

2. Heard Mr.AR.L.Sundaresan, learned senior counsel appearing for the petitioner and Mr.V.G.Suresh Kumar, learned counsel appearing for the respondents.

3. It is seen that the petitioner was awarded with contract to render TSV Services in 3 sections trains referred to in the impugned communication. However, before commencing the said work, the petitioner wanted to withdraw from the contract work and sent a representation on 25.02.2019 to the first respondent to discharge them and refund their license fee, security deposit etc. According to the petitioner, the payment of Special security deposit of Rs.30,00,000/- causes great hardship. However, the 2nd respondent issued the present impugned communication with a direction as stated supra.

4. Though this writ petition is filed by challenging the impugned communication, the learned senior counsel for the petitioner submitted that suffice a direction is issued to the first respondent to consider the representation of the petitioner dated 25.02.2019 and pass orders on the same in the light of the order already passed in respect of similarly situated person namely, M/s. Seema Caterers, Bangarpet, by the proceedings of the first respondent dated 21.02.2019.

5. Learned senior counsel for the petitioner, after inviting this Court's attention to the above said proceedings dated 21.02.2019 submitted that under identical circumstances, the said Contractor made representation and such representation was considered thereby informing that if the said Contractor

fail to remit the special security deposit within the time stipulated, the tender will be discharged without debarring him and also refunding all the license fee, security deposit and special security deposit paid by them so that the said contractor can participate in further tenders to be called shortly. Pointing out the above said averment made in the proceedings dated 21.02.2019 issued by the first respondent, learned senior counsel for the petitioner submitted that the first respondent may be directed to consider the representation of the petitioner also, in the light of the order already passed in respect of the similarly situated person as stated supra.

6. Since the representation was already made by the petitioner to the first respondent on 25.02.2019 and as it is stated that the first respondent has not passed any order on such representation so far and in view of the fact that the learned senior counsel seeks for the disposal of the said representation alone in the light of the order already passed in respect of M/s.Seema Caterers dated 21.02.2019, this Writ Petition is disposed of by directing the first respondent to consider the representation of the petitioner dated 25.02.2019 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

vsi/gsi

To

1. The Chairman and Managing Director,,
Indian Railway Catering and Tourism Corporation Ltd.,
Corporate Office, 11th Floor,
'B' Block, 148 Statesman House,
Bhartkambar Road,
New Delhi 110 001.
2. The Group General Manager,
Indian Railway Catering and Tourism Corporation Limited,
6 'A' The Rain Tree Place,
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3. The Assistant General Manager/C.S.& RNP/SZ
Indian Railway Catering Tourism Corporation Limited,
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Chennai - 600 031.

+1cc to Mrs.AL.Ganthmathi, Advocate SR.No.32461

+1cc to Mr.VG.Sureshkumar, Advocate SR.No.32117

W.P.No.7172 of 2019

LN(CO)
GMY(24/04/2019)



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