

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.13456, 13457, 13458, 13459 of 2019

Skyrams Outdoor Advertisings

India Pvt. Limited

represented by its Authorised Signatory,
Project Officer

S.F.No.339/2A,3A, Nava India Road

Krishnarajapuram, Peelamedu

Coimbatore 641 004

..Petitioner in all the Writ Petitions

-Vs-

1. Tamil Nadu Generation and

Distribution Corporation Limited

represented by its Superintending Engineer

Coimbatore Electricity Distribution

Circle/Metro, Tatabad

Coimbatore 641 012

..1st Respondent in all the
Writ Petitions

2. The Assistant Engineer/TANGEDCO

Singanallur East, Thiruchirappalli Road

Singanallur

Coimbatore 641 005

..2nd Respondent in WP No.13456/19

3. The Assistant Executive Engineer

TANGEDCO/Ram Nagar

Dr.Nanjappa Road, Ram Nagar

Coimbatore 641 018

..2nd Respondent in WP No.13457/19

4. The Assistant Engineer/TANGEDCO

Kavundampalayam, B2 Cheran Nagar

Mettupalayam Road, G.M.Mills Post

Coimbatore 641 005

..2nd Respondent in WP No.13458/19

5. The Assistant Executive Engineer

TANGEDCO/Race Course

Abdul Raheem Road

Coimbatore 641 018

..2nd Respondent in WP No.13459/19

6. Coimbatore Smart City Limited
Rep by its Managing Director
Big Bazaar Street
Coimbatore 641 001 ..3rd Respondent in all the Writ Petitions
7. Coimbatore City Municipal Corporation
Rep by its Commissioner
Coimbatore 641 001 ..4th Respondent in all the Writ Petitions
8. The District Collector
Coimbatore 641 018
..5th Respondent in all the Writ Petitions

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent in each of the writ petition to take follow up action to implement the principles laid down by this Hon'ble Court in the order dated 06.03.2019 in W.P.No.5446 of 2019 to all the Smart City Digital Information Boards on the Form-I application of the petitioner dated 20.04.2019 requesting provision of electricity service connection to the petitioner for commissioning the Smart City Digital Information Board(s) erected at Singanallur Bus Stand, Gandhipuram-Salem Bus Stand, Mettupalayam Bus Stand, (i) Race Course - Central Zone and (ii) Race Course - Arts College Road, to fulfil the object of Smart City Mission, respectively.

For Petitioner :: Mr.K.Doraisami
Senior Counsel for
M/s Muthumani Doraisami

For Respondents:: Mr.S.K.Rameshuwar
Standing Counsel for R1 & 2
Mr.K.Ravikumar
Additional Government Pleader
for R5

ORDER

With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal.

2. Skyrams Outdoor Advertisings India Private Limited represented by its Authorised Signatory, Project Officer, Coimbatore has filed these writ petitions seeking a common relief of issuance of a mandamus directing the second respondent in each of the writ petition to take follow up action to implement the principles laid down by this Hon'ble Court in the order dated 06.03.2019 in W.P.No.5446 of 2019 to all the Smart

City Digital Information Boards on the Form-I application of the petitioner dated 20.04.2019 requesting provision of electricity service connection to the petitioner for commissioning the Smart City Digital Information Board(s) erected at Singanallur Bus Stand, Gandhipuram-Salem Bus Stand, Mettupalayam Bus Stand, (i) Race Course - Central Zone and (ii) Race Course - Arts College Road, to fulfil the object of Smart City Mission, respectively.

3. Learned Senior Counsel for the petitioner submitted that as a part of Smart City Mission, the respondents 3 and 4 intended to install electric display boards to disseminate climate conditions of the city with pollution level, humidity, noise level etc. For the purpose of installing electronic display boards, the Managing Director of Coimbatore Smart City Limited, the third respondent herein invited tenders to provide 30 electronic display boards with air quality monitoring systems including operation and maintenance against commercial advertisement rights on DBOT (Design-Build-Operate-Transfer) basis within the limits of Coimbatore City Municipal Corporation. It was also prescribed in the tender document that the bidder should remit an amount of Rs.7,00,000/- as Earnest Money Deposit with a further condition that on selection, the successful bidder should erect the display boards at the places provided by the authorities. An undertaking also has been given that the local body will facilitate the bidder to obtain all such approvals from the authorities concerned. Thereafter, the Commissioner of Coimbatore City Municipal Corporation, the fourth respondent herein also issued a letter of acceptance of the offer of the petitioner for payment of annual licence fee at Rs.18,00,000/- per year at the rate of Rs.60,000/- per Digital Information Board. The petitioner subsequently, as per the conditions of contract and as per the advice of the officers of the third and fourth respondents, erected the Digital Information Board at the places identified by the authorities by incurring huge expenditure. On an earlier occasion, since the officers subordinate to the first respondent issued communications to the petitioner stating that unless NOC from the District Collector is produced, the electricity supply to the Information Board would be disconnected, the petitioner approached this Court with the writ petitions, on the ground that there is no need for producing any separate licence from the respondents 1 & 2, for the reason that the Managing Director of Coimbatore Smart City Limited had issued the tenders for installation of the Digital Information Boards to the petitioner. This Court, accepting the issue raised by the petitioner, by order dated 6.3.2019 in W.P.No.5446 of 2019, disposed of the writ petition holding that there is no need for producing any separate licence from the respondents 1 & 2, since the Managing Director of the Coimbatore Smart City Limited has issued the tender to the petitioner. In spite of the order passed

by this Court, once again the second respondent in each of the writ petition has again restated their intention to produce the NOC from the District Collector, when the Managing Director of Coimbatore Smart City Limited has issued the tender for installation of the Digital Information Board. The learned Senior Counsel also stated that even before calling for tenders for the purpose of installation of the Digital Information Board, the Managing Director of Coimbatore Smart City Limited would have received the NOC from the District Collector. Therefore, they cannot ask the petitioner to again get the NOC from the District Collector. In this regard, the petitioner has also given a representation on 20.4.2019 stating that this Court, by order dated 6.3.2019 in W.P.No.5446 of 2019, has clearly held that there is no more requirement to get the NOC from the District Collector, as the petitioner has been declared as the highest bidder by the Managing Director of the Coimbatore Smart City Limited.

4. It is at this stage, the learned standing counsel for the respondents 1 & 2, taking note of the order passed by this Court on 6.3.2019 in W.P.No.5446 of 2019, requested this Court to grant two weeks time to consider the petitioner's representation on merits, in the light of the order referred to above.

5. Placing on record the statement made by the learned standing counsel for the respondents 1 & 2, this Court, without going to the merits, hereby directs the second respondent in each of the writ petition to consider and dispose of the representation of the petitioner dated 20.4.2019, in the light of the order dated 6.3.2019 passed in W.P.No.5446 of 2019, within a period of two weeks from the date of receipt of a copy of this order. With this direction, the writ petitions stand disposed of. Consequently, W.M.P.Nos.13569 to 13572 of 2019 are closed. No costs.

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सत्यमेव जयते Sd/-

Assistant Registrar (CS VI)

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Sub Assistant Registrar

To

1. The Superintending Engineer
Tamil Nadu Generation and
Distribution Corporation Limited
Coimbatore Electricity Distribution
Circle/Metro, Tatabad
Coimbatore 641 012

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8. The District Collector
Coimbatore 641 018

+1cc to Mr.Muthumani Doraisami, Advocate, SR.No.42156
+1cc to Mr.S.K.Ramesh Kumar, Advocate, SR.No.42912
+1cc to the Govt.Pleader, Vide Sr.No.43236
+3ccs to Mr.Muthumani Doraisami, Advocate, SR.No.42156
(dated : 29/07/2019)

W.P.Nos.13456 to 13459 of 2019

Kak (03/07/2019)

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