

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

**C.W.P. No.10027 of 2020
Date of Decision:07.08.2020**

Gurdarshan Singh ...Petitioner

Vs.

**Chandigarh Industrial Tourism
Development Corporation Ltd.** ...Respondent

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: - Mr. Ripudaman Singh, Advocate,
for the petitioner.

Mr. R.S.Pandher, Advocate,
for the respondent.

RAKESH KUMAR JAIN, J.

The petitioner has challenged e-tender notice dated 22.06.2020 issued in respect of allotment of Booth No.6 at Chef Lakeview situated at Sukhna Lake, Chandigarh and the order dated 17.06.2020 by which the petitioner has been asked to vacate the said booth.

In brief, the petitioner was allotted Booth No.6 at Chef Lakeview situated at Sukhna Lake, Chandigarh for the business of photography by the Chandigarh Industrial Tourism Development Corporation (hereinafter referred to as "CITCO") on 17.07.2012 for a period of 5 years on a monthly license fee of ₹50,100/- plus service tax. The said license was extended for another three years for which he had

to pay the monthly license fee of ₹1,70,208/- including taxes and after the expiry of the total period of 8 years, vide letter dated 17.06.2020 (Annexure P-8), the petitioner has been asked to vacate the booth in question.

It is also pertinent to mention that CITCO has issued e-tender to allot the booth in question on license fee basis for a period of 4 years for running the business of photography including artificial flowers, handkerchiefs & caps, ladies foot wears, animated CD's and other allied items. The petitioner, who is stated to be in occupation of the said booth, has filed this petition with a prayer that he may be allowed to continue in the said booth with an annual increase of 10% in the license fee. At the time of issuance of notice in the petition, the petitioner was allowed to operate in the said booth subject to payment of license fee on *pro-rata* basis. The CITCO filed the reply in which it is averred that the petitioner has submitted representations dated 29.06.2020 and 07.07.2020 (Annexures R-3 and R-4) to allow him to retain possession of the said booth till selection of the new licensee. However, it is submitted that the respondents can allow the petitioner to occupy the booth in question at the most till his representations are decided in one way or the other.

Counsel for the petitioner has though insisted that he may be allowed to retain possession of the booth in question till selection of the new licensee but counsel for the respondents has not accepted his request.

After hearing learned counsel for the parties and examining the available record and especially keeping in view the stand taken by the respondents that the petitioner can be allowed to continue its possession in the booth in question till his representations are decided in one way or the other, we are of the considered opinion that the prayer made by the petitioner that he may be allowed to continue in possession of the booth in question till selection of the new licensee cannot be accepted but he is allowed to continue in possession of the said booth till the respondent decides his representations dated 29.06.2020 and 07.07.2020 in one way or the other.

Disposed of.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

August 07, 2020
*Vinod**

Whether speaking /reasoned : *Yes/No*
Whether Reportable : *Yes/No*