



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 756 of 2020

and

W.M.P. Nos. 918 & 920 of 2020

M/s. Prakash Arts Pvt. Ltd.,
Rep. by its Regional Head M. Yogan
No. 138, Radhakrishnan Salai, II Floor
Mylapore
Chennai - 600 004

.. Petitioner

Versus

1. Union of India
Southern Railway
Rep. by its General Manager
Office of the General Manager
Park Town
Chennai 600003

2. The Senior Commercial Manager
Southern Railway
Office of the General Manager
Park Town
Chennai 600003

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorafied Mandamus calling for the records from the Second Respondent Proceedings No.M/C.37/Pub/tender/OOH/Gdy/18 dated 24.12.2019 and Proceedings No.M/C.37/Pub/tender/OOH/MS/18/ dated 23.12.2019 in respect of Guindy Railway Station and Egmore Railway Station and quash the same and further direct the Second Respondent to extend the contract period for the display of advertisements in Guindy and Egmore Railway Station from 10.04.2019 or alternatively deduct the license fee for the period from 15.12.2018 to 09.04.2019 and calculate the license fee for the Second year period

For Petitioner	:	M/s. Gnanadesikan Associates
For Respondents	:	Mr.P.T. Ramkumar Central Government Counsel



ORDER

The present Writ Petition is filed for issuance of Writ of Certiorafied Mandamus calling for the records from the Second Respondent Proceedings dated 24.12.2019 and 23.12.2019 and quash the same and further direct the second respondent to extend the contract period for the display of advertisements in Guindy and Egmore Railway Station from 10.04.2019 or alternatively deduct the license fee for the period from 15.12.2018 to 09.04.2019 and calculate the license fee for the Second year period

2. The petitioner is an Advertising company engaged in OOH advertisement in various places in Tamilnadu and it participated in the tender flouted by the respondents for erection of OOH advertisement in Egmore and Guindy Railway Stations and became a successful bidder. Thereafter, the petitioner was issued with acceptance letter dated 4.1.2019 in respect of both Railway Stations upon complying all requirements and payment of license fee, fixing the contract period from 15.12.2018. Since the No Objection Certificate was given by the second respondent only on 10.01.2019 for both Egmore Station and Guindy Station, the petitioner requested the second respondent to fix contract period 90 days from the receipt of permission letter. For the second year license fee, the petitioner requested that in view of delay on the part of the second respondent in issuing No Objection Certificate letter and granting site-wise permission, the petitioner would take 90 days to enter the Railway Station and start fabrication work and therefore the actual tender will commence from April 2019. The agreement executed subsequently on 4.1.2019 dated it as 15.12.2018.

3. It is the grievance of the petitioner that from 15.12.2018 to 31.12.2018, there was another advertising company who was exhibiting the advertisement. Having regard to the same, the petitioner made representation on 20.11.2019 to the second respondent pointing out his grievances, but the second respondent by its proceedings dated 23.12.2019 and 24.12.2019 rejected the said requests and directed the petitioner to pay license fee for the second year.

4. When the matter was taken up for hearing today, the learned counsel appearing for the petitioner, after some submissions, sought liberty to go before the Senior Divisional Commercial Manager, Chennai Division with a proper representation with regard to refund of security deposit etc.

5. Having regard to the aforesaid submissions, this Writ Petition is disposed of granting liberty to the petitioner to



approach the Senior Divisional Commercial Manager, Chennai Division with a fresh representation regarding the claim of refund of security deposit within a period of two weeks from the date of receipt of a copy of this order, on any such representation being filed, the same shall be disposed of by the said authority within a period of eight weeks thereafter. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msr

To

1. The General Manager,
The Union of India,
Southern Railway,
Office of the General Manager
Park Town, Chennai 600 003.

2. The Senior Commercial Manager
Southern Railway,
Office of the General Manager
Park Town, Chennai 600 003.

+1CC to M/s.Gnanadesikan Law Associates, Sr.No.43260

+1CC to Mr.P.T.Ramkumar, Advocate, Sr.No.42777

W.P.No.756 of 2020

LN (CO)

K.RK. (04.10.2021)