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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-09-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.13945 of 2012

And

MP No.1 of 2012

AIM Associates Pvt Ltd.,
Represented by its Director E.Kumanan,
31-A, 1st Street,
Narasimmapuram,
(Near Saibaba Temple),
Mylapore,
Chennai - 600 004.

.. Petitioner

VS.

- 1.The Chief Commercial Manager,
Southern Railway,
Park Town,
Chennai - 3.
- 2.The Senior Divisional Commercial Manager,
Divisional Office,
Commercial Branch,
Madurai.
- 3.The Senior Divisional Finance Manager,
Divisional Office,
Commercial Branch,
Madurai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records on the file of the respondents relating to the impugned order of the second respondent dated 10.05.2012 in No.U/C42/Advt/Commn/2012-13 and quash the same.



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For Petitioner : Ms.K.N.Shanthi

For Respondents : Mr.P.T.Ramkumar,
Standing Counsel for Railway.

O R D E R

The order dated 10.05.2012 passed by the second respondent, for forwarding of Commission Bills to the third respondent, is under challenge in the present writ petition.

2. The grievance of the petitioner is that deduction of an amount of Rs.4,75,137/-, being the license fee for the over run period of 186 days, is erroneous and not in accordance with the terms and conditions of the Commercial Agreement.

3. The learned Standing Counsel, appearing on behalf of the respondent-Southern Railway, contended that the petitioner-AIM Associates Pvt Ltd., and M/s.SSI Media India Private Limited are functioning in the same Office. Therefore, it is to be construed that they are one and the same and knowing these factors, the Competent Authorities passed an order, deducting the abovesaid amount towards license fee.

4. Even in case of any such disputes in respect of the terms and conditions of the Commercial Agreement, the parties are bound to resolve the disputes by approaching the Competent Authority/Forum. The High Court cannot adjudicate those facts and circumstances with reference to the disputed issues regarding the documents and evidences. Thus, the petitioner has to approach the Competent Authority/Forum for the purpose of redressing their grievances.

5. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

Svn



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Madurai.

3.The Senior Divisional Finance Manager,
Divisional Office,
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Madurai.

+1CC to Mr.K.S.Natarajan, Advocate, SR.No. 50438

+1CC to Mr.P.T.Ram kumar, Advocate, SR.No. 50274

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SSV(CO)

B.VC (12/10/2021)