



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.4443 of 2019

M/s.Laqshya Media Limited,
rep. by its Vice President,
M.V.Sairam,
Ceebros Regency,
New No.11/2, Old No.20,
Flat C, 1st Floor,
10th Avenue, Ashok Nagar,
Chennai 600 083.

... Petitioner

vs.

Chennai Metro Rail Limited,
Joint Venture of Government of India and
Government of Tamil Nadu,
rep. by its General Secretary,
Depot Admin Building,
Poonamallee High Road,
Koyambedu,
Chennai 600 107.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records from the file of the Respondent in its proceedings No.CMRL/PD/P-III/452/2016/01/Laqshya-3, dated 16.08.2018 and Letter No.CMRL/PD/P-III/452/2016/01/Laqshya-5, dated 29.10.2018 and quash the same and further direct the Respondent to refund Rs.30 lakhs paid as Security Deposit for package 6 and 7 with 18% interest.

For Petitioner : M/s.Gnanadesikan Law Associates

For Respondent : Mr.J.S.Dolia

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the proceedings No.CMRL/PD/P-III/452/2016/01/Laqshya-3, dated 16.08.2018 and Letter No.CMRL/PD/P-



III/452/2016/01/Laqshya-5, dated 29.10.2018 and for a direction to the Respondent to refund Rs.30 lakhs paid as Security Deposit for packages 6 and 7, with 18% interest.

2. According to the Petitioner, it is in the field of advertisement for the past four decades and displaying advertisement by constructing bus shelters on Build, Operate and Transfer (BOT) basis as well as through hoardings. It is stated by the Petitioner that, the Respondent invited bid from interested parties for selection of licence for advertisement rights on piers and portals to design/procure/manufacture/install/manage/operate/market and sell advertisement spaces all along corridor 1 and 2 in phase - I of CMRL network. The entire stretch consists of 7 packages and the total length is 45 kms.

3. The Petitioner is the successful bidder for packages 6 and 7 and in the pre-bid meeting held on 17.07.2017 in the Office of the Respondent, the Petitioner's representative participated and an assurance was given that, necessary help will be given by the Respondent to obtain licence from Greater Chennai Corporation. Thereafter, letter of Award was also issued on 05.10.2017. However, the Petitioner received the letter dated 16.08.2018 stating that, the Award stands cancelled after 45 days of the issuance of the letter of Award. Immediately, the Petitioner sent a letter on 28.09.2018 setting out the entire sequence of events. It is the case of the Petitioner that, the Security Deposit cannot be forfeited and requested the Respondent to return the Security Deposit of Rs.30 lakhs paid for packages 6 and 7 with 18% interest. The Respondent sent a letter dated 29.10.2018 to the Petitioner refusing to refund the Earned Money Deposit and reiterated that, the same is forfeited. Hence, having no other alternative, the Petitioner is before this Court with the above Writ Petition.

4. Learned Standing Counsel appearing for the Respondent submitted that, the Respondent has the right to forfeit the Earnest Money Deposit and that, in the present case, the Petitioner did not carry out any business. However, if the Court directs the Respondent, they will refund the Earnest Money Deposit to the Petitioner within a stipulated time, without prejudice to his right in other cases.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. Considering the facts and circumstances of the case and in view of the fair submission of the learned Standing Counsel for the Respondent, this Court directs the Respondent herein to refund the Earnest Money Deposit of Rs.30 lakhs



deposited by the Petitioner within a period of six weeks from the date of receipt of a copy of this order.

7. However, this Court makes it clear that, this order shall not be treated as a precedent, as, relief is granted to the Petitioner herein considering the peculiar circumstances of the case.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.Nos.5007 and 5012 of 2019 are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The General Secretary,
Chennai Metro Rail Limited,
Joint Venture of Government of India and
Government of Tamil Nadu,
Depot Admin Building,
Poonamallee High Road,
Koyambedu,
Chennai 600 107.

+1cc to M/s.Gnanadesikan Law Associates, Advocate, S.R.No.69306

W.P.No.4443 of 2019

SVI (CO)
SU(10/01/2022)