

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.2804 of 2020
and W.M.P.No.3247 of 2020

M/s.Surya Food and Agro Limited
Babu Complex, Treasury Building
Feroke,
Calicut 673 631 Kerala,
Rep by its Authorised Signatory ...Petitioner

Vs

1. The Chief Commercial Manager,
Southern Railway, Head Quarters Office,
Park Town, Chennai 600 003.
2. The Deputy Chief Commercial Manager /PS/MAS,
Southern Railway, Head Quarters Office,
Commercial Branch, Park Town,
Chennai 600 003.
3. The Senior Divisional Commercial Manager,
Palakkad Division,
Palakkad ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 29.01.2020 and grant temporary licence to the petitioner to run the Automatic Vending Machines Dispense Kiosks in four Railway Stations in Palakkad Division till any tenders is finalised.

For Petitioner : Ms.AL.Ganthimathi

For Respondents: Mr.P.T.Ramkumar

ORDER

The petitioner has come up with this Writ Petition seeking a direction to the respondents to grant temporary extension of licence to run Automatic Vending Machine Dispense Kiosks in 4 Railway Stations in Palakkad Division, till any tenders are finalised, based on his representation dated 29.01.2020.

2. The petitioner is a Company incorporated under the Companies Act, 1956, involving in the business of running Food Stalls, Automatic Vending Machines (AVMs), Vending Coffee/Tea and other beverages and other catering stalls in various Railway stations. The petitioner-Company participated in the bids for grant of licence to install and run the AVMs in Southern Railway Division in the year 2007 and accordingly, the petitioner was granted licence to run 13 AVMs in various Railway stations. In the meanwhile, the Government of India had framed a new policy called "Catering Policy 2010", which inter-alia provided licence to run AVMs for a period of 5 years, but, without a clause for renewal. Since the tender process for fresh licence was not commenced, the Railway Board had given instructions to various Divisions of Railways to renew the existing licence temporarily. Accordingly, the licence of the petitioner was extended up to 20.01.2013. However, the second respondent has sent a communication to the third respondent stating that the existing AVMs would be allowed to continue until the currency of the existing contract and further renewal would not be permitted in any of the existing contracts. Therefore, the petitioner has made a representation to the first respondent on 25.04.2012 requesting him to give temporary extension of licence. Since the same was not considered, the petitioner filed a Writ Petition in W.P.No.12881 of 2012 before this Court, which was disposed of on 01.10.2012, directing the respondents to grant temporary extension of licence to the petitioner. Thereafter, the petitioner's licence was extended from time to time on a temporary basis upto 31.01.2020. Subsequently, tenders were called for and none has participated in the same. Hence, the petitioner has made a representation on 29.01.2020 to the third respondent requesting him to grant temporary extension of licence to run the Automatic Vending Machines in four Railway stations in Palakkad Division. However, no orders were passed so far. Hence, the petitioner has filed this Writ Petition seeking for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the third respondent to consider the petitioner's representation dated 29.01.2020 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and by affording them an opportunity of personal hearing or virtual hearing, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar

srn

To

1. The Chief Commercial Manager,
Southern Railway, Head Quarters Office,
Park Town, Chennai 600 003.
2. The Deputy Chief Commercial Manager /PS/MAS,
Southern Railway, Head Quarters Office,
Commercial Branch, Park Town, Chennai 600 003.
3. The Senior Divisional Commercial Manager,
Palakkad Division, Palakkad

+1cc to Ms.AL.Ganthimathi, Advocate SR.No.24506

+1cc to Mr.P.T.Ramkumar, Advocate SR.No.24557

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RR(CO)
GMY(22/06/2021)

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