



A.No.1309 of 2021
and O.A.No.189 of 2021

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ABDUL QUDDHOSE, J.

A.No.1309 of 2021 has been filed by the applicant seeking renewal of license granted to them for the usage of Pachaiyappa's College 'A' Ground, which expired on 31.12.2020.

2. As seen from the affidavit filed in support of this application, the applicant, pursuant to the orders passed by this Court on 01.08.2019 in O.A.No.805 of 2018, has only been maintaining the ground ever since expiry of the earlier license and they have not been utilising the said Ground for its training activities. The applicant has been paying earlier a sum of Rs.2,00,000/- (Rupees two lakhs only) per month as license fee to the respondent. According to the applicant, the Ground is being used for noble objects and it is being used only for around 80 days for training professional cricketers. According to the applicant, it is not generating any profit out of the Ground. The last license fee paid by the applicant to the respondent was Rs.2,00,000/- per month for a period of 3 years, commencing from 01.01.2018 and ending on 31.12.2020.



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3. The respondent has filed their counter affidavit stating that the Ground is situated in the heart of the City and the license fee has to be enhanced to Rs.4,00,000/- (Rupees four lakhs only).

4. Heard Mr.Vijayan, learned senior counsel appearing for M/s.King and Patridge, counsel for the applicant and Mr.B.Vijay, learned counsel appearing for the respondent.

5. Learned counsel for the applicant would submit that it will be difficult for the respondent to find out another Company in place of the applicant and they will not be in a position to get higher license fee than what has been paid by the applicant. According to the applicant, the license fee paid by the applicant earlier up to 31.12.2020 at Rs.2,00,000/- per month is a reasonable one and it has to be fixed for the renewal of license fee also in favour of the applicant.

6. However, learned counsel for the respondent would submit that license fee paid by the applicant at Rs.2,00,000/- earlier is on the lower side, as the entire Ground is being used by the applicant and the said Ground is situated



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in the heart of Chennai. According to them, atleast a minimum sum of Rs.4,00,000/- per month will have to be paid by the applicant to the respondent for the usage of the Ground.

7. Admittedly, under earlier license granted to the applicant, which ended on 31.12.2020, the applicant was paying a sum of Rs.2,00,000/- per month, pursuant to the directions given by this Court earlier. The said license got expired and the applicant has sought for renewal of license in the present application. Admittedly, there are three Grounds in Pachaiyappa's College and one of the Grounds was licensed to the applicant under the earlier license, which is the biggest Ground. The applicant, in his application, has stated that they are not generating any profit out of the said Ground and only utilising the same for a noble cause, namely, to impart training for professional cricketers on non-profit basis.

8. After giving due consideration to the fact that for the past almost one year, no income has been generated by the respondent-Trust from January 2021 to December 2021 and in the interest of both the parties, this Court is inclined to fix the monthly license fees payable by the applicant to the



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respondent at Rs.3,00,000/- per month for the next 3 years, commencing from 01.01.2022 and ending on 31.12.2024. This Court is of the considered view that the respondent will financially suffer, if the Ground is not put to effective usage as only if the Ground is put to effective usage, they will be able to generate income for the respondent-Trust. If more time is taken for completion of this litigation, neither parties will benefit and the Ground will not generate any income for the respondent-Trust.

9. After giving due consideration to the aforementioned factors only, this Court is inclined to fix the monthly license fees payable by the applicant to the respondent at Rs.3,00,000/- per month, commencing from 01.01.2022 and ending on 31.12.2024. However, it is made clear that on expiry of the license, in terms of this Order, it is open for the respondent to either renew the license in favour of the applicant on fresh terms and conditions or not renew the license in favour of the applicant and it is left to their discretion exclusively.

10. Accordingly, license fees fixed under the earlier license granted to the applicant, which expired on 31.12.2020, is enhanced from Rs.2,00,000/- (Rupees two lakhs only) per month to Rs.3,00,000/- (Rupees three lakhs only)



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per month, effective from 01.01.2022 and ending on 31.12.2024. It is made clear that the said monthly license fees shall be paid upfront for a period of one year and thereafter, for the subsequent two years upto 31.12.2024 in the same way.

11. In terms of the above direction, A.No.1309 of 2021 is disposed of. The other terms and conditions, as per the directions given by this Court on 01.08.2019 in O.A.No.805 of 2018 shall apply for this renewal of license also, in favour of the applicant. In view of the order passed by this Court today in A.No.1309 of 2021, O.A.No.189 of 2021 is closed.

21.12.2021

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