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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P. No. 4961 of 2015

M/s.Premiercar sales Ltd.,
9, Shahanajaf Road
Lucknow,
Thro its authorized Representative
Shree.Anup Singh

...Petitioner

Versus

1. The Secretary to the state of Tamilnadu,
Transport Department,
Fort St.George, Chennai - 09.
2. The Managing Director,
Metropolitan Transport Corporation (MTC),
Chennai.
3. The Managing Director,
State Express Transport Corporation,
Annasalai, Chennai.
4. The Managing Director,
Tamil Nadu State Transport Corporation,
Pudukottai.
5. The Managing Director,
Tamilnadu State Transport Corporation,
Trichy.
6. The Managing Director,
Tamilnadu State Transport Corporation,
Salem.
7. The Managing Director,
Tamilnadu State Transport Corporation,
Kumbakonam

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 25.09.2014 with regard to the amounts due from the various



transport corporations payable to the petitioner company as per the calculations submitted and further, direct the respondents to make the payments within the time stipulated by this Court.

For Petitioner : Mr. N. Ananthapadmanaban

For Respondent - 1 : Mr. G. Krishnaraja,
Government Advocate

Respondents - 2 to 7 : Mr. K. Murthy

O R D E R

The present writ petition has been filed seeking to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 25.09.2014 with regard to the amounts due from the various transport corporations payable to the petitioner company as per the calculations submitted and further, direct the respondents to make the payments within the time stipulated by this Court.

2. It is stated that the petitioner company had entered into a contract with the National Highways Authority of India to operate the toll plaza at Paranoor in Kancheepuram District near Chengalpet. Pursuant to the said contract, the petitioner company was given charge of Paranoor toll plaza on 01.06.2013 and upto 31.05.2014. As per the official notification published in the Central Government Gazette, the toll fee payable to the petitioner company till 01.04.2014 per vehicle was Rs.130/- per journey and later, the said toll fee was enhanced to Rs.160/- per journey. According to the petitioner, several vehicles belonging to the respondents 2 to 7 have passed through the toll plaza manned by the petitioner at Paranoor without remitting the toll. It is stated that several buses belong to the respondents 2 to 7 have passed the toll plaza without obtaining the monthly passes and in some cases, the buses have plied more than the permissible limit of 50 trips. Further, during the festival and national holiday etc., the number of trips plied by the buses belong to the respondents 2 to 7 exceeded the concession given to them. On the other hand, the petitioner, as a contractor under the Highways Department, had remitted huge advance amount, guaranteed caution deposit etc., to the National Highways Authority of India and therefore, they are legitimately entitled to get the amount towards the trips undertaken by the respondents 2 to 7. The petitioner also obtained information under The Right to Information Act as per which a total sum of Rs.5,56,58,774/- is payable to the petitioner by the first respondent, which was forwarded to the respondents. The calculation made by the petitioner is as follows:



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Region Name	Annexure	As per 18%		
		Amount	Interest	G.Total
		A	B	(A+B)
Pudukottai	a	Rs. 292,960/-	Rs. 31,207/-	Rs. 324,167/-
Salem	b	Rs. 1,238,280/-	Rs. 126,770/-	Rs. 1,365,050/-
Trichy	c	Rs. 1,718,280/-	Rs. 182,831/-	Rs. 1,901,111/-
MTC	d	Rs.25,333,720/-	Rs.2,678,899/-	Rs.28,012,619/-
Kumbhakonam	e	Rs. 2,421,760/-	Rs. 289,804/-	Rs. 2,711,564/-
SETC	f	Rs.19,299,360/-	Rs.2,044,903/-	Rs.21,344,263/-
Total		Rs.50,304,360/-	Rs.5,354,414/-	Rs.55,658,774/-

3. According to the petitioner, the representation dated 25.09.2014 submitted to the respondents, seeking for payment due from them under Rule 6 and 11 of the National Highways Fee (Determination of Rates and Collection) Rules, 2008 has not been considered so far. Hence, the petitioner company has filed the present writ petition before this Court.

4. The learned counsel for the petitioner would submit that even after the receipt of petitioner's representation, the respondents did not remit the amount payable to the petitioner, on account of the use of the four way track laid by the National Highways Authority of India. On the other hand, as per the terms and conditions of the contract, the petitioner company had paid a huge amount to the National Highways Authority of India. He therefore prayed that appropriate direction may be issued to the respondents to consider the petitioner's representation dated 25.09.2014 and make the payments as per the calculation mentioned above.

5. The learned Government Advocate appearing for the first respondent would fairly submit that the petitioner's representation will be duly considered by the first respondent and necessary orders will be passed therein.

6. Heard the learned counsel on both sides and perused the materials placed before this Court.



7. In view of the above facts and circumstances of the case and also having regard to the submissions made by the learned counsel on both sides, this Court directs the first respondent to consider the petitioner's representation dated 25.09.2014, if the same was not considered till date, and pass appropriate orders on merits and in accordance with law, as expeditiously as possible. Accordingly, this Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrr/rsh

To

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+1 CC to The Government Pleader, Sr 34311.
+1 CC to Mr.K.Moorthy, Advocate, Sr 33905.

WP No.4961 of 2015

AD(CO)
LS(08/09/2021)