



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 17314 of 2021

and

W.M.P. Nos. 18332, 18336, 18334 of 2021

M/s. GI Retai Private Limited
Rep. by its Authorised Signatory
Ramu Annamalai,
C-9, Thiru Vi Ka Industrial Estate
Guindy, Chennai - 600 032

.. Petitioner

Versus

Senior Divisional Commercial Manager
Chennai Division
Divisional Railway Manager's Office
Commercial Branch, NGO Annex, II Floor
Park Town, Chennai - 600 003

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned termination order in Communication No.M/C.300/Cycles, BBQ dated 20.07.2021 issued by the Respondent to the Petitioner and the consequent impugned Tender Notification No. COMML21159 dated 27.07.2021 issued by the Respondent to permit the Petitioner to commence and execute the contract of manning the vehicle parking stand at Basin Bridge Junction Railway Station for a period of three years as per the terms and conditions originally agreed.

For Petitioner : Mr. S.T.S. Murthy, Senior Counsel
For Naveen Kumar Murthi

For Respondent : Mr. P.T. Ramkumar

O R D E R

According to the petitioner, they were awarded a contract for manning the vehicle parking stand at Basin Bridge junction railway station for a period of three years subject to fulfillment of certain terms and condition. A Letter of Acceptance was issued to the petitioner on 03.01.2020 on submission of sufficient bank guarantee. Thereafter, the petitioner was directed to operate the vehicle parking standing



within the area allotted. The period of contract is to commence from 05.05.2021 till 04.05.2024 and the petitioner had to commence the work from 05.05.2021. However, due to outbreak of Covid-19 pandemic, the petitioner sought to revise the date of commencement of work from 05.07.2021. Instead of extending the period of contract, by communication dated 20.07.2021, the respondent arbitrarily terminated the award of contract to the petitioner besides calling for fresh E-Tenders by publishing the Tender No. COMML21159 dated 27.07.2021, fixing the closing date as 18.8.2021. Feeling aggrieved, the petitioner has come up with this writ petition, to quash the said termination order dated 20.07.2021 as well as the fresh tender notification dated 27.7.2021 and consequently direct the respondent to permit the Petitioner to commence and execute the contract of manning the vehicle parking stand at Basin Bridge Junction Railway Station for a period of three years as per the terms and conditions originally agreed.

2. When the Writ Petition was listed for hearing on 18-08-2021, this court while amending the interim stay directed the petitioner to file an Affidavit of Undertaking with regard to commencement of work etc.,

3. Accordingly, today, when the matter was taken up for consideration, the learned senior counsel appearing for the petitioner submitted that as directed by this court, the petitioner filed an affidavit of undertaking signed by the authorised signatory of the petitioner company, dated 23.08.2021, a copy of which was also received by the learned standing counsel for the respondent. In paragraph 5 and 6 of the said Undertaking Affidavit, it is stated as follows:

"...5. It is submitted that in light of the written request made by the Petitioner by way of letter addressed to the Respondent dated 05.08.2021, the Petitioner undertakes to deem the date of commencement date of the contract as 01.06.2021 and the period of contract to be from 01.0.2021 to 31.05.2024. It is submitted that the Petitioner also undertakes to comply with all the conditions as stipulated in the letter of acceptance issued by the Respondent in No. M/C.300/Cycles/BBQ. dated 03.01.2020.

6. It is submitted that the Petitioner also undertakes to comply with all the conditions stipulated in the letter of enhancement of license fee due to revision of tariff for the contract in No.M/C.300/Cycles/BBQ. dated 03.03.2020 and hereby states that the Petitioner has already made payments of the enhanced/revised first quarter license fee of Rs.18,42,120/-, GST of Rs.1,10,527/- and the



Security deposit of Rs.36,84,240/- and further undertakes to carry out the future obligations of the Petitioner strictly as per the letter of acceptance."

Thus, according to the learned senior counsel, in the light of the aforesaid affidavit of undertaking, the writ petition may be disposed of, for which there is no serious objection on the side of the respondent.

4. In view of the undertaking given by the petitioner in thier afffidavit dated 23.08.2021 that they will commence the contract with effect from 01.06.2021 and the period of contract will be effective from 01.06.2021 to 31.05.2024 and the petitioner will comply with all the conditions stipulated in the letter of acceptance on 03.01.2020 and also considering the fact that the said undertaking affidavit has also been agreed upon by the learned counsel appearing for the respondent, this court is inclined to dispose of this writ petition accordingly.

5. Recording the affidavit of undertaking dated 23.08.2021 filed by the petitioner, the impugned tender notification dated 27.07.2021 issued by the of the respondent is set aside. The petitioner is permitted to commence the contract effective from 01.06.2021 till 31.05.2024 and they shall comply with the other conditions as stipulated in the letter acceptance dated 03.01.2020. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

Dhk
To

Senior Divisional Commercial Manager
Chennai Division
Divisional Railway Manager's Office
Commercial Branch, NGO Annex, II Floor
Park Town, Chennai - 600 003

+2cc to Mr.Naveen Kumar Murthi, Advocate, S.R.No.43121
+1cc to Mr.P.T.Ramkumar, Advocate, S.R.No.43342

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KG(CO)
GN(20/09/2021)