



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Twenty Third day of December Two Thousand Twenty One

PRESENT

THE HON'BLE MR.JUSTICE M.DHANDAPANI

WMP No.29194 of 2021

in WP.27648 of 2021

M/S.BRANDMIDAS HOSPITALITY
AND AVIATION SERVICES(P) LTD,
60/30, 2ND FLOOR,
28TH CROSS STREET, INDIRA NAGAR,
ADYAR, CHENNAI- 600 020.

[PETITIONER]

Vs

AIRPORTS AUTHORITY OF INDIA,
REP.BY ITS AIRPORT DIRECTOR,
CHENNAI AIRPORT, CHENNAI- 600 027.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of grant an order of interim direction to the Respondent to permit the petitioner to effectively take part in the Notice Inviting e- Tender(NIT) for grant of license to build / renovate, operate and maintain smoking lounge and sales kiosk at Chennai Airport in E-bid No.2021_AAI_98141_1 dated December 2021 floated by the Respondent(WMP No.29194 of 2021)Pending disposal of the above WP.27648 of 2021.

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of DR.R.MAHESWARI, Advocate for the petitioner and of MR.FATHER XAVIER ARULRAJ, Advocate for the Respondent, the court made the following order:-

The petitioner has awarded license to establish, operate and maintain smoking lounges at Chennai Airport from 14.08.2015 to 13.08.2016 and the same was extended from time to time till 30.06.2019. Thereafter, the petitioner was not permitted to operate his business or to remove its goods/materials by denying issue of Airport Entry Passes to the authorised representatives of the petitioner. The petitioner had participated in the tender floated by Airports Authority of India (AAI) for awarding license to establish, operate and maintain smoking lounges at Chennai Airport. However, the petitioner was denied to participate in the tender process on the ground that there was due in respect of the earlier award granted in favour of the petitioner for a sum of



Rs.13,09,977/- The respondent itself granted extension of the tender period to the petitioner till 30.08.2019 and without considering the same, they are denied to enter into the airport premises and claiming the dues is unfair. However, without prejudice his right, the petitioner is ready to furnish the Bank guarantee in favour of the AAI and this court may direct the AAI to permit the petitioner to participate in the future tenders.

2. The learned Senior counsel for the respondents submitted that if the petitioner is ready to furnish the bank guarantee in favour of the respondent, which is mentioned in the impugned order, the petitioner may be participated in the tender process.

3. In view of the above discussion, this Court is inclined to pass the following order:

(i) The petitioner is directed to furnish a bank guarantee in favour of the Airport Authority of India on or before 29.12.2021; and

(ii) After receipt of the said bank guarantee, the AAI shall permit the petitioner to participate in the tender process.

4. Post this matter on 05.01.2021 for filing counter and disposal.

-sd/-
23/12/2021

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE AIRPORT DIRECTOR,
AIRPORTS AUTHORITY OF INDIA,
CHENNAI AIRPORT, CHENNAI 600 027.

C.C. to M/S.R.MAHESWARI, Advocate SR.NO.7767/2021.

Order
in
WMP.No.29194 of 2021
in WP.No.27648 of 2021

Date :23/12/2021

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GS(30/12/2021)

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