

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.27916 of 2022

Minakshi Padhy

.....

Petitioner

Mr. Ashok Das, Advocate

Vs.

Union of India & Anr.

.....

Opposite Parties

*Mr. P.K. Parhi, DSGI along with
Ms. S. Patro, CGC*

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

09.11.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. A. Das, learned counsel for the petitioner.
3. The petitioner has filed this writ petition assailing the order dated 26.09.2022 under Annexure-5, by which opposite party no.2 has rejected the representation dated 26.04.2022 of the petitioner for non-payment of pro-rata license fee as per demand notice dated 12.04.2022 by violating para-9(iv) of the contract agreement in pursuance of the order dated 27.07.2022 passed by this Court in W.P.(C) No.11284 of 2022.
4. Mr. A. Das, learned counsel for the petitioner contended that though the petitioner has entered into an agreement to operate Car/4 Wheeler parking Stand at Brahmapur Station, but due to intervention of COVID-19 pandemic situation, she could not be able to operate the said stand because of non-availability of passengers. As a consequence thereof, she faced heavy loss and, as such, she is not liable to pay the license fee on pro-rata basis as per demand notice dated 12.04.2022. It is further contended that

even though the petitioner earlier had approached this Court by filing W.P.(C) No.11284 of 2022 and this Court, vide order dated 27.07.2022 disposed of the said writ petition directing the authority to consider her representation dated 26.04.2022, but the authority has rejected her representation and issued demand notice to make payment of pro-rata license fee.

5. Considering the contentions raised by learned counsel for the petitioner and after going through the records, it appears that the petitioner entered into an agreement with the opposite party authority for Car/4 Wheeler parking Stand at Brahmapur Station, for which she has to pay the license fee. Due to intervention of COVID-19 Pandemic situation, the petitioner could not be able to operate the said Stand and as a consequence thereof, realizing the difficulty the authority called upon to pay the license fee on pro-rata basis as per demand notice dated 12.04.2022.

6. In that view of the matter, this Court is not inclined to entertain this writ petition. However, if the petitioner pays the license fee on pro-rata basis as per demand notice dated 12.04.2022, she may be allowed to participate in the fresh tender issued by the authority.

7. With the above observation, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Alok

