



W.P. No.6489 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

**THE HONOURABLE MR.JUSTICE C.SARAVANAN**

W.P.No.6489 of 2017

and

W.M.P.Nos.7006 & 7007 of 2017

M.Musthafa

... Petitioner

Vs

1.The General Manager,  
Southern Railway,  
Chennai – 600 003.

2.The Senior Divisional Commercial Manager,  
Chennai Division,  
Southern Railway,  
Chennai – 600 003.

3.The Deputy Chief Divisional Commercial Manager,  
Passenger Services – II,  
Southern Railway,  
Head Quarters Office,  
Commercial Branch, Catering Section,  
Chennai – 600 003.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in No.C.86/PC/16301-02/TVC-SRR Venad Express/2015 dated 31.08.2016 issued by the 3<sup>rd</sup>



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respondent termination of license, forfeiting the earnest money and debarring from participating in the bidding process for similar future License/Contract of Railway for a period of One (1) year may be quashed the same and to consider the representation sent to the respondents on 14.10.2016 by E-mail and Fax.

For Petitioner : No Appearance

For Respondents : Mr.P.T.Ramkumar  
for R1 to R3

### **ORDER**

There is no representation on behalf of the petitioner.

2.This writ petition has been filed for a certiorarified mandamus, to call for the records in No.C.86/PC/16301-02/TVC-SRR Venad Express/2015 dated 31.08.2016 issued by the 3<sup>rd</sup> respondent terminating the license, forfeiting the earnest money and debarring the petitioner from participating in the bidding process for similar future License/Contract of Railway for a period of One (1) year and to quash the same and to consider the representation sent to the respondents on 14.10.2016 by E-mail and Fax.



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3.The learned counsel for the respondents submits that similar order has been passed in respect of another contract in W.P.No.37389 of 2016, where the petitioner's license was terminated and was challenged. It is submitted that the said writ petition is disposed by this Court on 01.10.2021 with liberty to invoke the Arbitration Clause.

4.He further submit that the period of disability only for a period of one year from 31.08.2016 and thus there was no further impediment for the petitioner to participate in the subsequent tenders.

5.It is therefore submitted that as far as recovery of any amount is concerned, it is open for the petitioner to work out his remedy under the Arbitration Clause under the tender documents in terms of order passed in W.P.No.37389 of 2016 vide order dated 01.10.2021. I find the submission of the respondents is reasonable.

6.This writ petition stands disposed of by giving liberty to the petitioner to work out his remedy under the Arbitration Clause for any damages or loss suffered by the petitioner on account of alleged illegal termination of the



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contract in the impugned by filing an application before the Arbitrator within a period of 60 days from the date of receipt of a copy of this order. In case, such a claim petition/application is filed, it shall be decided on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

**21.11.2022**

Index: Yes/ No

Internet : Yes/No

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**Note:**Registry is directed to serve copy directly on the petitioner, as there is no representation on behalf of the petitioner.

To

- 1.The General Manager,  
Southern Railway,  
Chennai – 600 003.
- 2.The Senior Divisional Commercial Manager,  
Chennai Division,  
Southern Railway,  
Chennai – 600 003.
- 3.The Deputy Chief Divisional Commercial Manager,  
Passenger Services – II,  
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WEB COPY



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**C. SARAVANAN, J.**

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