



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.01.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.36096 of 2023 and 132 of 2024

and WMP Nos.36058 and 36059 of 2023 and 142 and 144 of 2024

P.Ramaiah Thevar

.... Petitioner in both W.Ps

Vs

1. Airports Authority of India,
represented by its Director,
Chennai Airport, Airport Rd,
Meenambakkam, Chennai,
Tamil Nadu 600 027.
2. The AAI Cargo Logistics & Allied Services
Company Ltd.,
represented by its Regional Manager
AAICLAS, Chennai Airport, Airport Rd,
Meenambakkam, Chennai, Tamil Nadu – 600 027.

.... Respondents in both W.Ps

PRAYER in W.P.No.36096 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in AAICLAS/MAA/3309/2023 dated 13.12.2023 – Notice Inviting e-Tender for License for Management of Vehicle Parking Services at the Integrated Air Cargo Complex and Allied Areas, AAICLAS, Chennai Airport and quash the same and consequently direct the 2nd respondent to extend the contract of the petitioner for the same for a further



period of 3 years viz., till 02.03.2026 in consonance with the terms of Commercial Circular No.26/2020 dated 09.12.2020 of the 1st respondent.

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PRAYER in W.P.No.132 of 2024: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in AAICLAS/MAA/3309/2023/0001 dated 01.01.2024 and quash the same and consequently direct the 2nd respondent to extend the contract of the petitioner for the License for Management of Vehicle Parking Services at the Integrated Air Cargo Complex and Allied Areas, AAICLAS, Chennai Airport for a further period of 3 years viz., till 02.03.2026 in consonance with the terms of Commercial Circular No.26/2020 dated 09.12.2020 of the 1st respondent.

In both W.P.s

For Petitioner : Mr.T.Gowthaman

Senior Counsel

for Ms.S.Karpagaprita

For Respondents : Mr.P.Rajkumar Jhabakh

COMMON ORDER

Mr.P.Rajkumar Jhabakh, learned counsel accepts notice for the respondents and is armed with instructions to enable final disposal of these Writ Petitions, W.P.No.132 of 2024, being at the stage of admission.



2. W.P.No.36096 of 2023 has been filed challenging the notice inviting e-tender issued by the AAI Cargo Logistics & Allied Services Company Ltd./R2 for Management of Vehicle Parking Services at the Integrated Air Cargo Complex and Allied Areas, Chennai Airport.

3. When the aforesaid Writ Petition was listed for admission, the following order was passed on 22.12.2023.

Notice to the respondents, accompanied by writ affidavit, annexures and a copy of this order, within a day from today. Private notice is also permitted.

2. The petitioner states that it is participating in the e-tender for management of vehicle parking services at the Integrated Air Cargo Complex and Allied Areas, AAICLAS, Chennai Airport. It has however, made a representation before R2 seeking an extension of the present contract under which it is rendering services to the respondents for a period of three years. This extension is sought on behalf of the intervening period of covid pandemic.

3. Let the representation be disposed after hearing the petitioner prior to 01.01.2024.

4. List on 02.01.2024 at the end of admission list as the petitioner states that the date of opening of the financial bid is on that date.

4. When that Writ Petition came up for hearing on 02.01.2024, the petitioner had pointed out that his representation had been disposed, though in violation of the principles of natural justice and thus a separate Writ Petition had been filed challenging that order, being W.P.No.132 of 2024. Hence, that Writ



Petition was adjourned to today and it is thus a common order is being passed in both the Writ Petitions.

5. A perusal of order dated 01.01.2024 would reveal that the petitioner has not been heard prior to the passing of the order, though it was specifically directed so, in paragraph 3 of order dated 22.12.2023.

6. Mr.Rajkumar Jhabakh, learned counsel for the respondents would also have no choice but to accede to this position. Hence, impugned order dated 01.01.2024 is set aside.

7. The petitioner will appear before R2 on 05.01.2024 at 10.30 a.m. without awaiting any further notice in this regard and the representation of the petitioner dated 08.12.2023 and the earlier representations shall be considered and orders passed in accordance with law by R2 within a period of two (2) weeks from today, i.e., on or before 19.01.2024.

8. To be noted, the objections to the notice inviting e-tender as raised in W.P.No.36096 of 2023 is what have been raised by the petitioner in his representation dated 08.12.2023. No other challenge is put forth as far as the notice inviting e-tender is concerned. As the grievances of the petitioner will be considered by R2 while dealing with representation dated 08.12.2023, there is nothing to be served in keeping that Writ Petition pending any longer.



9. Needless to say the decision of R2 on the representation will decide on the fate of e-tender itself, that is to say, if the petitioner is successful in pursuing his representation before R2, then the e-tender will not be proceeded with and if the petitioner is unsuccessful, then that would give rise to a fresh cause of action as far as the petitioner is concerned.

10. The opening of financial bids and any other action as far as e-tender dated 13.12.2023 is concerned shall be kept in abeyance till 19.01.2024.

11. With this, both the Writ Petitions and the connected Miscellaneous Petitions are closed. No costs.

04.01.2024

Index : Yes/No

Speaking Order: Yes

Neutral Citation: Yes

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To

1. Airports Authority of India,
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Chennai Airport, Airport Rd,
Meenambakkam, Chennai,
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2. The AAI Cargo Logistics & Allied Services
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