



CWP-31378-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-31378-2024**Date of decision: 27.11.2024**

M/s Platinum Communications and another

....Petitioners

Versus

Airports Authority of India and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Nishant Arora, Advocate,
for the petitioners.

Mr. Vivek Singla, Advocate,
for respondent No.1.

Mr. Sanjeev Manrai, Senior Advocate, with
Mr. Gaurav Goyal, Advocate,
Mr. Ishaan Vashishth, Advocate
Mr. J.K. Goyal, Advocate,
Mr. Rohit Agrawal, Advocate,
Mr. Vaibhav Sharma, Advocate,
for respondent No.2.

ARUN PALLI, J. (Oral)

The petitioners have prayed for the following substantive relief:-

***“Civil Writ Petition under Articles 226/227 of
the Constitution of India for issuance of a writ in the
nature of Certiorari for setting aside of ‘Request For
Proposal (RFP) bearing E-bid No.(Tender No.)
2024_AAI_212981_1 dated 29.10.2024 (P-1) issued by
Respondent No.2 to the extent of 46 Sq. Mtr. Pertaining to
the ongoing retail outlets awarded to the petitioners in view
of respective Award letters (P-3 to P-7) which now is
sought to be prematurely terminated without any notice or
opportunity of hearing so as to give effect to the impugned***



RFP for total gross area of 1,213 Sq. Mtr. Including the ongoing retail outlets of the petitioners being in utter violation of the principles of natural justice and provisions of license agreement inter se the parties, in the interest of justice;

And

It is further prayed that the operation of impugned 'Request for Proposal' dated 29.10.2024 (P-1) qua 46 Sq. Mtr. as depicted in Schedule-A & C of RCP (P-1) pertaining to the ongoing retail outlets of the petitioners may kindly be stayed during pendency of the present petition."

Learned counsel for the petitioners submits that petitioner No.1 (M/s Platinum Communications) operates a retail outlet of mobile and accessories in the name of 'Gadgets Galary' at the Shaheed Bhagat Singh International Airport, Chandigarh ('the Airport'). And, petitioner No.2 (M/s Parcom Enterprises), besides three more outlets (Shingaar, Gopal's Sweets and Snac-k-ing), also runs a perfumes and cosmetics store in the name of 'Petrichor'. He submits that the limited grievance that the petitioners have is: respondent No.2-Chandigarh International Airport Limited ('CHIAL'), vide impugned Request for Proposal (RFP) dated 29.10.2024 (P-1), has invited concession to Design, Fit-Out, Finance, Develop, Market, Operate, Maintain and Manage the Retail Outlets at the Airport, for a period of seven years, for the gross floor area of outlets, i.e. 1213 square meters. He submits that out of the entire area of 1213 square meters, an area of 46 square meters is under the possession of petitioners, who, as indicated above, are operating five retail outlets, per the letters of award (P-3 to P-7). And, the licences issued to them in this regard are valid up to December, 2026, and January, 2027, respectively. It is submitted that, in fact, only the name of the locations in Schedule 'A' of the RFP has been changed, whereas, these are the same sites, where the petitioners are operating their retail outlets. Thus, it is urged that the licences awarded to the petitioners are



sought to be terminated pre-maturely, and that too, without any notice or affording an opportunity of hearing. Aggrieved by the action of the authorities, the petitioners had also submitted a complaint dated 03.10.2024 (P-8) alleging bias against some officials of the CHIAL towards certain agencies. Likewise, the petitioners have even served the authorities with a representation dated 06.11.2024 (P-10), as regards their concerns/grievances, but to date, the matter has not made any tangible progress. Not just that, he submits, per clause 7.5.2 of the Commercial Manual, 2019 (P-11), tender process could only be initiated six months prior to expiry of incumbent licence.

Learned Senior counsel for respondent No.2 submits, at the outset, that neither the licences awarded to the petitioners, pursuant to the letters of award (P-3 to P-7), have been terminated, nor the area measuring 46 square meters, which forms part of the licences of the petitioners, is sought to be assigned to the third party. However, he, as always, fairly submits that pursuant to the RFP, the concession to Design, Fit-Out, Finance, Develop, Market, Operate, Maintain and Manage the Retail Outlets at the Airport, has, indeed, been solicited. And even though, the technical also the financial bids were to be opened on 21.11.2024 and 10.12.2024, respectively, but, as no bid was received, the last date to receive the bids was extended till today. And, in the event, no bids are received even today, the date would further be extended by a week. However, he submits that the apprehension of the petitioners that once the area of 46 square meters, which continues to be in their possession, is assigned to the third party, pursuant to the RFP, their rights/interest would be gravely impaired, is apparently misconceived. For, the process to assign the respective areas at the Airport to run retail outlets is initiated much in advance, in sync with the procedure in vogue. And, at any rate, before the licences awarded in favour of the petitioners are terminated or the area in question (46 square meters) is withdrawn, the authorities would strictly comply with every clause/term of the contract entered into between the parties. Be that as it may, it is submitted that as the competent authority is already in seisin of the representation submitted by the petitioners, it would rather be expedient



if the petition is disposed of, for the present, to enable the authorities to deal with the concerns/grievances of the petitioners, as sought to be raised in the petition, and pass necessary orders, in accordance with law. Further, he submits that before any such orders are passed, the petitioners shall be heard, for which, a formal communication shall be issued to them, well in advance.

Learned counsel for the petitioners is in agreement with the course suggested by learned Senior counsel for respondent No.2, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the matter being time sensitive, the authorities be directed to decide the same within a specified time.

In response, learned Senior counsel for respondent No.2 submits that appropriate orders shall be passed within a period of four weeks from today.

In the wake of the position sketched out above and in terms of the statements made by learned counsel for the parties, the petition is accordingly disposed of.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by learned Senior counsel for respondent No.2.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated earlier, the competent authority shall examine the concerns/grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

27.11.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No