

**THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI**

**WRIT PETITION NO.11370 OF 2023**

**ORDER:**

The present Writ Petition is filed seeking the following relief:

*".....declaring the action of the respondent more particularly 2<sup>nd</sup> respondent in issuing fresh notification dated 18.04.2023 for tender of Canteen by ignoring the petitioner investments in developing the building/Canteen as illegal and arbitrary, same is liable to set aside and consequently direct the respondent nos.2 & 3 to continue the petitioner to run the Canteen at 3<sup>rd</sup> respondent Bus Depot, Atmakur, Nandyal District(old Kurnool District)..."*

2. The short grievance of the petitioner herein is that, the petitioner entered into an agreement with the respondents on 27.08.2012 for a period of 10 years and the same is subsisting till August, 2022. Later, the petitioner made an application on 07.08.2022 requesting the respondents to continue agreement and 3<sup>rd</sup> respondent-Depot Manager, Nandyal District has permitted the petitioner to continue the agreement by accepting rents till today. It is further case that, during Covid-19 period, the respondents did not collect rents for three months as complete lock down imposed by Government of India. The petitioner has invested huge amount

for reconstructing the building and he could not recover even the said amount within the contract period. As such made a representation to consider the petitioner's case and it is further case that pending consideration his request, the authorities have issued a fresh tender notification dated 18.04.2023 inviting fresh applications and in such an event if the said tender notification is finalised without considering the petitioner's request, the petitioner would be put to irreparable loss and hardship. As such the present writ petition has been filed.

3. Heard Sri G. Vijaya Kumar, learned counsel for the petitioner and Sri K.Vishwanatham, learned Standing Counsel for the respondents.

4. Learned Counsel for the petitioner in elaboration to what has been stated in the affidavit contended that, petitioner has invested huge amount for renovation of the shop with the consent of the respondents. The petitioner is also paying rents promptly and there are no arrears. He further contended that, even after lapse of the agreement period, the 3<sup>rd</sup> respondent allowed the petitioner to continue in the shop by accepting the rents. He further submitted that, as the petitioner has invested huge amount and has not recovered during his tenure in the agreement period, the petitioner has approached the respondent authorities on many occasions and

requested them to continue the agreement. It is further submitted that, the authorities stated that they would consider the petitioner's case but surprisingly a notification has been issued on 18.04.2023 inviting fresh tenders in the subject shops. As such, the present writ petition has been filed and prayed to pass appropriate orders in that regard.

5. On the other hand, learned Standing Counsel for respondents submitted that, notification has already been issued and the petitioner's contract period has already completed and there is no rule or condition envisaged for extension of agreement and as such the petitioner cannot have any legal right to ask for extension of contract period and accordingly prayed to dismiss the writ petition.

6. In reply to the above, the learned counsel for the petitioner submitted that, authorities are very much aware about investment so made by the petitioner and all the while the petitioner was kept under the impression that the contract would be renewed, but surprisingly tender notification has been issued. He further submitted that, the authorities can always take a decision on the petitioner's representation before finalising the subject tender by taking covid situation into consideration. As such prayed to pass appropriate orders in that regard.

7. In reply, learned Standing Counsel submitted that the representation so placed on record does not show any endorsement that the authorities have received the said representation.

8. To the above submission, learned counsel for the petitioner submitted that a liberty may be granted to the petitioner to submit fresh representation.

9. Perused the record.

10 It is not in dispute that the contract period of the petitioner came to an end in the month of August, 2022. It is also not in dispute that the petitioner is continuing even as on today where the authorities are accepting the rents from the petitioner. As the petitioner is continuing in the said shop for a long time, it would suffice if a direction is given to the respondents to consider the petitioner's representation before opening the tenders, pursuant to the tender notification dated 18.04.2023 to meet the ends of the justice.

8. Taking the submissions of both the learned counsel into consideration and with their consent, this Court is inclined to dispose of the writ petition with the following direction:

(i) The petitioner is at liberty to make a proper representation in consonance with the representation dated 21.04.2023 within a period of two(02) days from today.

(ii) On such representation, the respondent-authorities are directed to consider and pass appropriate orders in accordance with law after providing an opportunity of being heard to the petitioner and communicate the same to the petitioner within a period of one(01) week from date of receipt of representation.

(iii) Till such exercise, the respondent authorities are directed not to open the tenders.

Accordingly, writ petition is **disposed of**. No costs.

Miscellaneous applications, pending if any, shall stand closed.

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**JUSTICE RAVI CHEEMALAPATI**

**01.05.2023,**

*Note: C.C. by 02.05.2023*

*B/o*

*BRS*