

Noting by Officer or Advocate	Serial No	Date	Office notes, reports, orders or Proceedings with signature
			<p><b>BEFORE</b> <b>THE HON'BLE MR. JUSTICE S. TALAPATRA</b></p> <p><b>Smart IT Services Private Limited</b> ..... Petitioner</p> <p>– Vs –</p> <p><b>The State of Tripura &amp; Another</b> ..... Respondents</p> <p>For the petitioner : Mr. K.N. Bhattacharji, Senior Advocate Mr. P.K. Pal, Advocate</p> <p>For the respondents : Mr. T.D. Majumder, G.A. Mr. G.S. Bhattacharji, Advocate</p> <p><b>B E F O R E</b> <b>THE HON'BLE MR. JUSTICE S. TALAPATRA</b></p> <p><b><u>30.06.2017</u></b></p> <p>Heard Mr. K.N. Bhattacharji, learned senior counsel assisted by Mr. P.K. Pal, learned counsel appearing for the petitioner.</p> <p>By means of this petition, the petitioner has urged this court to quash the order dated 21.06.2017 whereby the petitioner was asked to stop collecting fees from 27.06.2017, so that the printing of smart cards can be completed by 30.06.2017, the day when the agreement with the petitioner comes to an end. It has been further urged that the respondents shall be prohibited from giving effect to the said letter dated 21.06.2017 [Annexure-2 to the writ petition]. The petitioner has, as it appears, as a measure of alternative relief urged this court to allow them take back the assets and the infrastructure cost of which is estimated at Rs.1.10 crores.</p>

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			<p>Mr. K.N. Bhattacharji, learned senior counsel appearing for the petitioner has fairly submitted that since the petitioner could not succeed in the bid and stood the second lowest in terms of the quoted price, their claim is not anyway for continuation or for having the order of printing of the smart cards renewed. Mr. Bhattacharji, learned senior counsel has again submitted that the relief of the petitioner is confined to the infrastructures they have installed for printing the smart cards in various offices of the Transport Department which according to Mr. Bhattacharji, learned senior counsel are shown in the table at Annexure-3. Mr. Bhattacharji, learned senior counsel appearing for the petitioner has only submitted to grant the said alternative relief.</p> <p>Mr. G.S. Bhattacharji, learned counsel appearing for the respondents has submitted that the respondents had paid the value of that infrastructure and as such the petitioner cannot claim ownership or any lien over the said infrastructure for purpose of taking those away from the places of installation.</p> <p>Such submission has been strongly countered by Mr. Bhattacharji, learned senior counsel who has further contended that never the value was offered to and accepted by the petitioner for transferring the ownership of the infrastructure. The petitioner has already filed a representation on 27.06.2017 [Annexure-4 to the writ petition] seeking permission of the respondents to allow them take away the entire infrastructure as reflected in Annexure-3, from the respective Transport Offices. But, no</p>

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			<p>decision as yet has been communicated to the petitioner.</p> <p>Having regard to this very small question that has been raised in this writ petition, by the following direction this writ petition stands disposed of:</p> <p>The Petitioner by 04.07.2017 shall file a fresh representation giving the details of the infrastructure installed by them in various District offices of the respondents and seeking similar permission as sought in the representation dated 27.06.2017. The Joint Transport Commissioner, as there is consensus in the Bar that he is the competent authority to decide the matter, shall pass the necessary order couched with reasons within 7(seven) days from the date of receipt of such representation. Till then, the Joint Transport Commissioner shall maintain the safe custody of the entire infrastructure so that these are not operated, manipulated, shifted or otherwise interfered with.</p> <p>There shall be no order as to costs.</p> <p>A copy of this order be furnished to the learned counsel appearing for the parties in the course of the day.</p> <p><b>JUDGE</b></p>