

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 8951 of 2020**

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GLOBAL PUBLICITY PROPRIETORSHIP FIRM  
Versus  
RAJKOT MUNICIPAL CORPORATION

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Appearance:

MR AJAY S JAGIRDAR(2688) for the Petitioner  
for the Respondent No. 1,2

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CORAM: **HONOURABLE MR. JUSTICE R.M.CHHAYA**  
and  
**HONOURABLE MR. JUSTICE ILESH J. VORA**

**Date : 31/07/2020**

**ORAL ORDER**  
**(PER : HONOURABLE MR. JUSTICE R.M.CHHAYA)**

1. Heard Mr. Ajay S. Jagirdar, learned advocate for the petitioner.
2. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for the following main relief:-

“(A) This Hon’ble Court may be pleased to issue appropriate writ of mandamus or any other appropriate writ, order or direction, directing the respondent corporation not to charge the amount of contractual pursuant to the contract at Annexure-A during the lockdown starting from 24.3.2020 till the lockdown period is removed and further be pleased to extend the contractual period equal to the lockdown period;”

3. Having heard the learned advocate for the petitioner and on perusal of the petition as a whole as well as the annexures annexed with the

petition, it appears that the petitioner has been given rights for advertisement of display at different places in Rajkot as per tender in question. It is the say of the petitioner that because of pandemic Corona Virus Covid19, as per Clause 7.14 of the contract, pandemic is a Force Majeure and therefore, the petitioner should be given benefit of the period of lock down starting from the last week of March to June, 2020. The petitioner has relied upon the Office Memorandum issued by Government of India, Ministry of Finance dated 19.2.2020 and similar circular issued by the Eastern Central Railway. Mr. Jagirdar, though has annexed the order passed by Hon'ble Division Bench of the Bombay High Court in the case of M/s. Bright Advertising Pvt. Ltd. Vs. State of Maharashtra, passed in WP-OSDB-LD-VC-No. 6 of 2020, does not press the same. Mr. Jagirdar has specifically invited attention of this Court to the application dated 12.6.2020 given by Rajkot Outdoor Association and submitted that the petitioner be permitted to file an appropriate application before the Corporation for the very purpose.

4. If any such application is filed, the Corporation shall look into the same and pass an appropriate order considering the circulars relied upon by the petitioner in this petition. It is, however, clarified that this Court has not expressed any opinion on merits and the respondent – Corporation shall take appropriate decision in accordance with law.

5. In view of the aforesaid direction, Mr. Jagirdar does not press this petition on merits. The petition is disposed of with the aforesaid direction.

**(R.M.CHHAYA, J)**

**(ILESH J. VORA,J)**

ABDULVAHID A SHAIKH