

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE TWENTY NINETH DAY OF FEBRUARY
, TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

IA No. 1 OF 2024

IN

WP NO: 5313 OF 2024



Between:

M/S Nature Gateway Hotel And Resorts And Consortium Of M/s Dwaraka Inn, O & M Operator of Haritha Beach Resorts Baruva Village and Post, Srikakulam District, A.P - 532 263. Rep. by its Managing Partner, Sri T.Viswanath S/o Sri. T.Malleswara Rao. aged about 40 years, Occ Self employed R/o.H.No. 1-15, Metta Veedhi, Nandigam Post and Mandal, Srikakulam -Dist, Andhra Pradesh, PIN 532201

...Petitioners

AND

1. The State Of Andhra Pradesh, Tourism Department, Secretariat Building, Velgapudi, Amaravathi, Guntur District, A.P. Rep. by its Principal Secretary.
2. The Andhra Pradesh Tourism Development Cooperation Ltd., 55-17-2 to 4, 5th floor, near CGO Complex, Industrial Estate, Auto Nagar, Vijayawada, Krishna District, A.P - 520 007. Rep. by its Managing Director.

...Respondents

Counsel for the Petitioner :SRI K BHEEMA RAO

Counsel for the Respondent :GP FOR TOURISM(AP)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent herein not to take coercive steps against the petitioner pursuant to the Lr.No.APTDC/19029/12/2020-AMC (O&M), dt.27.11.2023, pending disposal of WP No.5313 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

ORDER

“Heard Mr.O.Manohar Reddy, Learned Senior Counsel appearing for the petitioner, who made submissions, inter alia with reference to the averments made in the affidavit filed in support of the writ petition.

Learned Senior Counsel submits that pursuant to the invitation of the applications for selection of agencies for development, operation and

maintenance of Andhra Pradesh Tourism Development Cooperation properties at Antharvedhi, Kotipally, Rampachowdavaram, Kovvuru and Baruva in Andhra Pradesh, the petitioner became the successful bidder in respect of the property/beach resort situate in Baruva in Srikakulam District. He submits that an agreement was entered into between the petitioner and the 2nd respondent on 03.10.2019 and in the meanwhile due to Titli Cyclone, the property was damaged and the petitioner renovated the same by spending huge amount of more than Rs.1.00 Crore (Rupees one crore). He submits that the Engineering Team of the 2nd respondent estimated the expenditure incurred by the petitioner for renovation of the subject matter property/resort at Rs.98.00 lakhs (Rupees ninety eight lakhs). Be that as it may.

Learned Senior Counsel submits that due to outbreak of Covid, the petitioner could not operate the resort effectively and therefore, requested for extension of lease period. He submits that the 2nd respondent agreed for waiver of rentals in respect of the subject matter property/resort. In this regard, learned Senior Counsel submits that the petitioner, even according to the 2nd respondent, has spent Rs.98.00 Lakhs for repairs/renovation of the resort, and without deducting the said amounts, the 2nd respondent is insisting for payment of arrears of rentals. Such an action on the part of the 2nd respondent, learned counsel submits, is not tenable in Law and as coercive steps are being taken to invoke the Bank guarantee, in the event of which, the petitioner would suffer serious prejudice and irreparable loss, the present writ petition is filed. He, accordingly, seeks interim orders as sought for.

Learned counsel for the 2nd respondent seeks time to secure written instructions in the matter.

List the matter on 21.3.2024.

Considering the submissions made, there shall be interim direction, as prayed for."

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SD/-G.HELANAIDU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Tourism Department, Secretariat Building, Velgapudi, Amaravathi, Guntur District, State Of Andhra Pradesh,
2. The Managing Director, Andhra Pradesh Tourism Development Cooperation Ltd., 55-17-2 to 4, 5th floor, near CGO Complex, Industrial Estate, Auto Nagar, Vijayawada, Krishna District, A.P - 520 007. (**No's 1 to 2 By RPAD**)
3. One CC to SRI. K BHEEMA RAO Advocate [OPUC]
4. Two CCs to GP FOR TOURISM(AP) ,High Court Of Andhra Pradesh. [OUT]
5. **One spare copy**

psr



HIGH COURT

NJS,J

DATED:29/02/2024

List the matter on 21.3.2024.

ORDER

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INTERIM DIRECTION

