

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.P.(C) No.989 of 2022

With

W.P.(C) No.990 of 2022

With

W.P.(C) No.991 of 2022

With

W.P.(C) No.992 of 2022

With

W.P.(C) No.993 of 2022

LC Infra Projects Pvt. Ltd.

...Petitioner/s

- Versus -

State of Manipur and 2 Ors.

...Respondent/s

**BEFORE
HON'BLE THE ACTING CHIEF JUSTICE M.V.MURALIDARAN
ORDER**

02.03.2023

[1] Heard Mr. Nachiket, learned counsel for the petitioner and Mr. N. Kumarjit, learned senior counsel for the respondent No.3, Mr. A. Golly, learned counsel for the respondent No. 2, Mr. HS. Paonam, learned senior counsel for the respondent No.3 in WP(C) No.990 of 2022, WP(C) No. 991 of 2022 & WP(C) No.992 of 2022 and Mr. H. Debendra, learned Deputy AG for the respondent No.1 in all the writ petitions.

[2] Since the tender was awarded to other persons, the learned counsel for the petitioner is inclined to withdraw to the writ petition subject to refund the EMD amount. Accordingly, the matter was adjourned.

[3] When the matter is taken up today, Mr. H. Debendra, learned

Deputy AG for the State respondents produced a letter dated 27.02.2023 which reads as follows.

GOVERNMENT OF MANIPUR
PUBIC HEALTH ENGINEERING DEPARTMENT

No. CE/PHE/TECH/2-469/2020/3615

To Imphal, 27th February, 2023

The Secretary (PHE),
Government of Manipur
Sub:- Refund of EMD.

Sir,

As per CPWD works manual, the earnest money given by all the bidders except the lowest bidder should be refunded immediately after the expiry of stipulated period or immediately after acceptance of successful bidders, which is earlier. Since the process of awarding the work related to Integrated Sewerage System for Imphal city is over and awarded to successful bidders, the division accepting the EMD will have no objection to the refund of EMD. In the case of LC INFRA PROJECT PRIVATE LTD., seeking for refund of EMD for tenders related to Integrated Sewerage System for Imphal city, Phase-II, it will be released within a period of one month after the case filed by the firm is withdrawn.

Yours faithfully,

Sd/-

(Shangreiphao Vashumwo)
Chief Engineer, PHED,
Govt. of Manipur

[4] As per the letter, the respondents has undertaken that after the withdrawal of writ petition, they are ready to pay the said amount within a period of one month.

[5] Mr. Nachiket Dave , learned counsel for the petitioner on receipt of the letter dated 27.02.2023 argued to withdraw the writ petition and prayed to this Court to issue suitable directions to the respondents to refund the EMD amounts as they are argued as per the letter dated 27.02.2023.

[6] Considering the arguments of both sides and prayer sought for in this petition and also perusal of the letter dated 27.02.2023. I am inclined to pass the following the orders:

- a). All the writ petitions are dismissed as withdrawn.
- b). The respondents are directed to refund the petitioner's EMD amounts within a period of one month from today as per the letter dated 27.02.2023.
- c). The respondents are directed to strictly comply with this order

Ab.Surjit

ACTING CHIEF JUSTICE