

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION NO.11749 OF 2015

ORDER:

This writ petition is filed for a *Writ of Mandamus* declaring the action of the respondents in not refunding the earnest money deposit (EMD) and further security deposit (FSD) upon successful timely completion and handing over of the works to check measurement, sanction under three work orders vide proceedings dated 18.06.2001, as illegal and arbitrary.

The case of the petitioner is that he is a registered contractor and participated in the tender called for by the Executive Engineer Panchayat Raj (Rural Water Supply) Division and was declared as successful bidder for laying drinking water pipe lines under PWS. Accordingly, he was asked to pay 1% of the quoted value of the works as Earnest Money Deposit (EMD), 1.5% as Further Security Deposit (FSD) and an Additional Security Deposit and petitioner also paid all the required auction deposits. The petitioner has executed the respective works as specified under the work orders within the specified time schedule and thereafter bills were also released for the work done in full without any deductions. Since the petitioner has successfully completed the works, he is entitled for refund of EMD and FSD collected by the respondents and the petitioner has been approaching the respondents for refund of the same. But there is no response from the respondents for refund of the said amounts even after the lapse of 14 years. Later, in pursuant to the representation of the petitioner, a letter dated 18.06.2001 has been addressed to him by the 3rd respondent stating that the funds that were supposed to be returned to him were remitted to a Account under "005", Head "Engineering funds" and they are in regular follow up of the same with their higher officials and the Government and as and when the said information is received from them, the same will be intimated to the petitioner. But as of now, no information was provided to the petitioner. Aggrieved by the same, the present writ petition is filed.

The matter was adjourned on 23.04.2015 for instructions of the respondents, but once again the Assistant Government Pleader for Panchayat Raj sought time for getting instructions.

Since already proceedings dated 18.06.2011 were addressed to the petitioner stating that the matter is pending with the Government and the information regarding the same is provided to the petitioner, the respondents 2 and 3 are directed to refund EMD, FSD and ASD as claimed by the petitioner if he is eligible for refund of the same according to Rules, within a period four (4) weeks from the date of receipt of copy of this order.

With the above direction, the writ petition is disposed of. No costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

01.05.2015

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