

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.26011 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus challenging the inaction on the part of the second respondent for refund of EMD of Rs.5,00,000/- to the petitioner.

Heard the learned counsel for the petitioner and Sri Ch.Satish Kumar, the learned Standing Counsel for Endowments (Telangana).

A perusal of the record reveals that the petitioner is a contractor of Sri Lakshmi Narasimha Swamy Devasthanam, Yadagirigutta, Nalgonda District. The petitioner deposited an amount of Rs.5,00,000/- towards EMD. The grievance of the petitioner is that even after completion of the contract period, the second respondent did not refund the EMD amount.

The learned Standing Counsel for Endowments submitted that the second respondent has received a letter from Income Tax Department directing the second respondent to initiate proceedings against the petitioner.

A perusal of the record reveals that the petitioner submitted a representation to the second respondent on 16.01.2016. A perusal of the record further reveals that the second respondent issued a notice vide R.C.No.S/95/2015, dated 23.07.2016 to the petitioner.

The contention of the learned counsel for the petitioner is that the second respondent issued the notice dated 23.07.2016 without considering the representation submitted by the petitioner on 16.01.2016. Whether the petitioner has produced the correct PAN number or not is purely a disputed question of fact which cannot be

gone into while exercising the jurisdiction under Article 226 of the Constitution of India.

At the time of argument, learned counsel for both parties with one voice submitted that the second respondent may be directed to dispose of the representation of the petitioner dated 16.01.2016.

In view of the submission made by the learned counsel for both parties, this Court is not inclined to go into the merits of the main case.

Having regard to the facts and circumstances of the case, the second respondent is hereby directed to consider the representation of the petitioner dated 16.01.2016 and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of one (1) month from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of.
No costs.

Consequently, Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 04.08.2016
lvd