

1 HON'BLE SRI JUSTICE S.V.BHATT

W.P.Nos.16991 & 37128 OF 2016

COMMON ORDER:

Heard Mr.Vedula Venkatarama for petitioner and Mr.A.Jagan for respondents.

Learned senior counsel, having regard to proceedings No.PDS2/Movt/FG5(1)/Stage-I Tenders/2016-17/1248/WGL dated 09.08.2016, submits that the cause in W.P.No.16991 of 2016 does not survive and the writ petition may be closed accordingly.

As regards prayer in W.P.No.37128 of 2016, he contends that the termination order impugned in the writ petition ought not to have been made in view of the order passed by this Court in W.P.M.P.No.20922 of 2016 in W.P.No.16991 of 2016. According to him, while implementing such order, the conclusion recording termination is unavailable and not warranted. He alternatively submits that the petitioner, because of the rigid stand the respondents are taking, is not for continuation of the contractual obligations but is apprehensive of respondents forfeiting the EMD of Rs.86 lakhs consequent upon proceedings dated 09.08.2016.

Mr.Jagan learned counsel submits that the Corporation was compelled to terminate the contractual obligation of petitioner having regard to clause 2(i) of the agreement and regarding the issue of EMD, he states that no decision is taken as on date and the Corporation is prepared to consider the representation dated

26.07.2016 filed by petitioner in this behalf and take appropriate decision.

Having regard to the submission of Mr.Jagan, W.P.No.37128 of 2016 is disposed of by this order:

The petitioner is given one week time from the date of receipt of a copy of this order to file comprehensive representation for refund of EMD along with a copy of this order and the respondents are directed to consider each one of the objections raised by the petitioner, record a finding and communicate the decision within three weeks from the date of receipt of such representation.

Both the writ petitions are, accordingly, disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

26th December, 2016

Lrkm

S.V.BHATT, J