

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.37871 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed complaining inaction of the respondents 2 and 3 in refunding the Earnest Money Deposit (EMD) of Rs.41,22,422/- paid by the petitioner, pursuant to the tender notice, dated, 19.07.2017, vide ET no.46/ 2017-18.

2. I have heard the submissions of *Sri Challa Gunaranjan*, learned counsel appearing for the petitioner; learned Government Pleader for Municipal Administration & Urban Development appearing for the 1st respondent; and of *Sri A.Panduranga Rao*, learned Standing Counsel appearing for the 3rd respondent. I have perused the material record.

3. The case of the petitioner and the submissions made on its behalf, in brief, are as follows:

The 2nd respondent called for tenders, on 19.07.2017, to undertake long term contracted service packages on 'Buy/ Hire, Own & Operate (BOO) basis' to fulfil the policy initiative of the 1st respondent. The 2nd respondent issued a tender notice, dated 19.07.2017, calling for tenders from the eligible candidates to outsource the handling of maintenance of sanitation and solid waste management activities in the allocated areas in the Municipality. The total value of the bid is approximately rupees forty two Crores. The commencement date is 21.07.2017 and the last date for receipt of tenders was 10.08.2017. The date for opening the technical bid is 10.08.2017. However, after evaluation of the technical bid, no further information was communicated to the petitioner or any other bidders as to the opening of the financial bid. There was no progress in the matter. Because of the non-opening of the bids, the tender process came to a stand-still. In the circumstances, the petitioner

sought refund of the Earnest Money Deposit aforementioned. The petitioner also addressed a letter, dated 27.10.2017, reiterating the claim for refund of the Earnest Money Deposit, which is a huge amount. Despite such representation, there was inaction on the part of the respondents 2 and 3. Hence, this writ petition.

4. Learned counsel appearing for the petitioner while reiterating the aforesaid contentions, would submit that if a direction is given to consider and dispose of the representation, dated 27.10.2017, and refund the Earnest Money Deposit to the petitioner, the grievance of the petitioner would be redressed.

5. Learned Standing Counsel appearing for the respondents 2 and 3 would submit that appropriate orders would be passed on the representation, in accordance with the procedure established by law.

6. Recording the said submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the representation, dated 27.10.2017, of the petitioner in strict accordance with the procedure established by law, however, within a period of three weeks from the date of receipt of a copy of this order; and communicate the decision taken thereon to the petitioner, within a week thereafter.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

29.11.2017
RAR

M. Seetharama Murthi, J