

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.819 of 2016

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Chandraketu Prasad Singh Son of Late Ram Vilas Singh resident of village -
Chamtha Bazidpur, P.O. Bazidpur, Police Station Vidyapati Nagar, District -
Samastipur

... .. Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board, New Delhi
2. The General Manager, East Central Railway, Hajipur, Vaishali (Bihar)
3. The Divisional Railway Manager, East Central Railway, Sonapur, District -
Saran (Chapra), Bihar
4. The Divisional Commercial Manager, East Central Railway, Sonapur, District
- Saran (Chapra)
5. The Assistant Commercial Manager Sonapur, East Central Railway, District -
Saran (Chapra), Bihar
6. Hari Kant Rai Son of Late Kamdeo Rai resident of village - Subhanipur, P.S.
+ P.O. Vidyapati Nagar, District - Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Adv.
For the Respondent/s : Mr. Bijoy Kumar Sinha, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-07-2018 Heard learned counsel for the petitioner and learned
counsel appearing for the respondent-Railways.

Petitioner had initially filed a writ application seeking
settlement of parking stand on the Vidyapati Station Campus for
the period 2013-2016 pursuant to tender notice no. C-536
Vidyapati Nagar/ Parking/ 2007.

Learned counsel for the petitioner submits that now
the settlement period which was between 2013 to 2016 is
already over, which was settled in favour of Respondent no. 6
but the security deposit of Rs. 25,000/- which was deposited by



the petitioner at the time of filing of tender has not yet been refunded. He, therefore, prays for refund of the security deposit along with interest.

Learned counsel for the Union of India, however, submits that as per the tender notice Clause-14, which is Annexure 1 to the writ application, the intending participants have to show the financial credibility by means of a certificate showing that the reserve financial security was of 40% of the total settlement amount. He submits that Rs. 25,000/- was by way of earnest money which the petitioner has not deposited. Hence, there is no question of refund of the said amount along with the interest.

Be that as it may, let the petitioner file the original receipt of the deposit of earnest money of Rs. 25,000/- before the competent authority and if the same is found in order, the said amount will be refunded to the petitioner along with 5 % interest within a period of three months from today.

With the aforesaid observation and direction, this writ application is disposed of.

(Nilu Agrawal, J)

Arjun/Pragya

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