



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.8536 of 2018

MJD Construction & Engineering
Contractors Private Limited,
Represented by its Managing Director,
Janaka Jebangelin,
MJ Bhavan, Kannumamoodu, Pazhugal Village,
Kanyakumari District.

... Petitioner

-Vs-

The Commissioner,
Padmanabhapuram Municipality,
Padmanabhapuram, Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to release the Earnest Money Deposit (EMD) with the interest immediately based on the petitioner's representation dated 20.06.2017 and 06.04.2018.

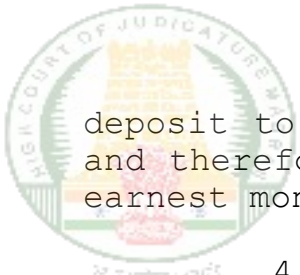
For Petitioner : M/s.C.Bharathi
For Respondent : No Appearance

ORDER

The petitioner is an unsuccessful bidder in the tender notice in R.O.C.No.2589/2015/E1, dated 21.09.2015. The petitioner's request for refund of Earnest Money Deposit of Rs.4,00,000/- (Rupees Four Lakhs Only) was kept pending indefinitely, which prompted the petitioner to file the present Writ Petition.

2.Though notice has been served and the name has been printed in the cause list, none appears on behalf of the respondent.

3.Under Rule 14(4) of the Tamil Nadu Transparency in Tenders (Public Private Partnership Procurement) Rules, 2012, the earnest money deposit is required to be released to the unsuccessful bidder, within 60 days from the expiration of the tender validity period. In the instant case, though the tender came to be concluded on 30.10.2015, the respondent is yet to refund the earnest money



deposit to the petitioner, which is in violation of the said rules and therefore, the petitioner would be entitled for interest on the earnest money deposit.

4. In the result, this Writ Petition stands allowed with a direction to the respondent to refund the petitioner's earnest money deposit of Rs.4,00,000/- together with interest at the rate of 9% per annum from 30.10.2015 till the date of actual payment. Such an exercise shall be made, within a period of one week from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-2)

To

The Commissioner,
Padmanabhapuram Municipality,
Padmanabhapuram,
Kanyakumari District.

+ 1 CC TO M/s.C.BHARATHI, ADVOCATE IN SR No. 72963

MYR
TE/SKN/SAR-2 : 24/07/2018 : 2P/3C

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