

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.21646 of 2007

O R D E R:

The writ petition is filed seeking the following relief:

“.. to issue a writ of mandamus or any other appropriate writ declaring the action of the respondent in forfeiting EMD amount by proceedings Lr.No.CRP/CHS/DT-94D/452, dated 19.5.2007 issued by the respondent as illegal, arbitrary, unconstitutional and against the principles of natural justice and direct the respondent to refund the EMD amount or pass such any other appropriate order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

The petitioner is a scrap businessman and in pursuance of the tender notification issued by the respondent by way of E-Auction No.MSTC(V) SCCL 94 D/2006-07/EA-704 dated 29.6.2006 for purchase of old/used power cables under scrap, he was declared as the highest bidder and awarded the contract. Thereafter, the petitioner has made earnest money deposit amount with the respondent for a sum of Rs.7,80,780/-. But, for the reasons best known to the petitioner, he could not lift the stock and as per the version of the respondent, the petitioner has not made payment to lift the stock. On the above premise, the petitioner represented before the respondent by filing several representations dated 31.8.2006, 9.9.2006, 14.9.2006, 24.10.2000, 8.5.2007 and 13.6.2007 with a request to return the EMD amount as he cannot perform the contract.

Without going into merits of the case with regard to entitlement of getting back EMD amount or otherwise, this court is

of the opinion that the writ petition can be disposed of directing the respondent to consider the representations of the petitioner.

Accordingly, the Writ Petition is disposed of directing the respondent to consider the representations of the petitioner and pass a reasoned order, as expeditiously as possible. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 26/06/2018

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