

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.22237 of 2017

ORDER: (per SK,J)

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the affidavit filed in support of the above writ petition, the petitioner prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus directing the respondent herein to permit the petitioner herein to make corrections in the bid amount of Rs.1,10,00,000/- which was wrongly mentioned as Rs.11,00,00,000/- while submitting the bid to the E-Bidding auction conducted by the respondent Bank on 29-6-2017 in so far as the property mentioned at Sl. No.6 of the said E-Bidding auction dated 29-06-2017 is concerned, and further direct the respondent herein to receive the balance bid amount of Rs.1,03,20,000/- and confirm the said bid in favour of the petitioner and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.'

Sri Manohar Reddy Nandyala, learned counsel for the UCO Bank, the first respondent, would fairly state that as the petitioner claims to have made a mistake in his bid by wrongly mentioning the figure as Rs.11,00,00,000/- instead of Rs.1,10,00,000/-, the bank is willing to return his Earnest Money Deposit (EMD) amount of Rs.6,80,000/-. Learned counsel would further state that owing to the lapse of time, the bank is not willing to settle for the bid of the petitioner at this stage. We find merit in this submission.

Sri Prakash Chakravarthy, learned counsel for the petitioner, would however contend that his client would be entitled to interest on the refund due to him.

We are not inclined to accept this contention as it was admittedly the petitioner who committed a mistake in submitting the bid properly and he cannot take advantage of the same and seek interest now.

The writ petition is accordingly disposed of recording the statement of Sri Manohar Reddy Nandyala, learned counsel, that the EMD amount of Rs.6,80,000/- would be refunded to the petitioner within two weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

T.AMARNATH GOUD,J

Date:06.08.2018

GJ

