

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.14125 OF 2018

ORDER:

The impugned action on the part of the respondents in insisting upon the payment of E.M.D. and Additional Security Deposit for the purpose of entering into an agreement with regard to the tender for the work of "Restoration of Abounded Check Dam" across the Madyakunta Vagu in Bheemla Tanda, h/o.Mattapalli (V), Matampalli Mandal, is under challenge in the present Writ Petition.

2. During the course of arguments, it is submitted by the learned Government Pleader that as per G.O.Ms.No.29, dated 26.05.2017, the petitioner herein need not pay E.M.D., but there is no exemption to the extent of Additional Security Deposit and the same is mandatory as per Clause 3.13 of tender document. It is further submitted by the learned Government Pleader that as per G.O.Ms.No.48, Irrigation & CAD (Reforms) Department, dated 12.07.2016, for tenders upto 5% less than ECV of the work, no Additional Security Deposit is required. It is further submitted that in the instant case, the petitioner herein quoted 18% less, as such, he is not entitled.

3. It is submitted by the learned counsel for the petitioner that when the petitioner herein is not in a position to pay E.M.D., there is no justification on the part of the respondents to

insist upon payment of Additional Security Deposit and there is absolutely no nexus sought to be achieved by the Government.

4. In view of the above submissions, keeping it open for the petitioner herein to assail the condition to the extent of Additional Security Deposit in appropriate proceedings, if the petitioner is advised to do so, the Writ Petition is closed.

5. The miscellaneous petitions pending, if any, shall also stand closed. There shall be no order as to costs.

23.04.2018

Note:

Issue CC tomorrow.

B/o.
vnb



JUSTICE A.V.SESHA SAI

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DATE: 23.04.2018

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