

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION Nos.5233 and 5270 of 2013

COMMON ORDER:

As the issue involved in both these writ petitions is one and the same, they are disposed of by a common order.

These writ petitions are filed to declare the action of the respondents in not taking over the possession of the houses constructed by the petitioners as illegal and arbitrary and a consequential direction is also sought to direct the respondents to takeover the possession of the flats from the petitioners and release the bank guarantee for earnest money deposit and security deposit as per the agreement.

For convenience sake, the facts in WP.No.5233 of 2013 are being discussed herein.

The case of the petitioner is that he is a registered Class I civil contractor and that the contract is for constructing 240 houses in ten blocks; as per the tender conditions, the successful bidder is required to furnish a bank guarantee for a sum of Rs.12,00,000/- payable at State Bank of Hyderabad, R.T.C. Branch, Kadapa, as the earnest money deposit and security deposit of Rs.37,89,151/-; the petitioner has completed the work in November, 2010; the respondents are not taking possession of the constructed flats and releasing the bank guarantee of earnest money deposit and security deposit; the petitioner filed representation dated 6.12.2012 requesting to take over possession and release bank guarantee

for earnest money and security deposit amounts but the respondents did not take any action. Hence, the writ petitions.

As these writ petitions pertain to the year 2013 and the representations of both the petitioners is dated 6.12.2012, the petitioners are given liberty to file a fresh representation before the 1st respondent and the 1st respondent is directed to consider and take action, in accordance with law.

With the above directions, these two Writ Petitions are disposed of .
No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



KONGARA VIJAYA LAKSHMI, J

Date: 12/12/2018
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