

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1629 of 2019

M/s M. P. Construction A Partnership Firm, Having Its Office, At Plot. No. 62, Indira Commercial And Residential Complex T.P.Nagar, Korba Tehsil And District Korba Chhattisgarh , Through Its Partner, Manoj Parashar S/o Shri Ram Nath Parashar About 55, Years R/o Near, Main Post Office, Post Office Korba, Tehsil And District Korba Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Urban Administration Department Mahanadi, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. Municipal Corporation Korba Through Commissioner, Saket Bhawan, ITI Rampur, Korba District Korba Chhattisgarh.

---- Respondents

For petitioner – Shri Sanjay Patel, Advocate.
For State/respondent No.1- Shri Anmol Sharma, PL.
For respondent No.2-Shri Aditya Bharadwaj, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

24/06/2019

Heard.

1. The present petition has been filed for the reason that tender was invited on 8/11/2007 for construction of culvert near Jalgaon Chowk, Korba and construction of RCC drain. The petitioner participated in tender and deposited Rs.13000/- as earnest money. Subsequently, the petitioner was accepted to be the successful tenderer and letter of intent was issued to him on 6/02/2008 for executing agreement. However, no agreement was drawn and eventually the issue was made dormant and the amount of earnest money which was deposited of Rs.13,000/- was not returned. Subsequently, number of applications were given to return the earnest

money, however the same was not returned.

2. Taking into the facts and nature of dispute, the petitioner shall be at liberty to make representation to make a demand before the respondent No.2 within a period of two weeks from today. On such representation being filed, the respondent No.2 shall decide the same by a speaking order within a further period of 30 days from the date of receipt of the representation and thereafter the petitioner may be at liberty to prosecute his further cause of action. It is further made clear that this court has not expressed any opinion on the merits of the case at this stage qua any subsequent litigation on the subject.

3. With the above observation, writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE