

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.11390 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“to pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of 2nd respondent in issuing the impugned Proceedings No.M1/122(94)/16-SR, dated 26-2-2018 as illegal, arbitrary and violation of Article 21 of the Constitution of India and consequently direct the respondents to refund the security deposit of the petitioner's society forthwith and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri P.Vinod Kumar, learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondents.

Petitioner is M/s.Ambedkar S.C.Mutually Aided Labour Contract Co-operative Society Limited. It has participated in the tender process for providing man power to the respondents and stood as highest bidder. The respondent-Corporation has awarded the work. Since the petitioner could not accomplish the work entrusted by the respondents, the respondents have terminated the contract and forfeited the security deposit of an amount of Rs.1,85,328/-. Hence, the petitioner submitted a representation to the respondents

requesting them to return the security deposit. But, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner.

Learned Standing Counsel appearing for the respondent-Corporation contended that in view of the clause stipulated in the agreement, the respondents have terminated the contract and also forfeited the security deposit. The Managing Director of the Corporation is competent to interpret the clause in the agreement. It is further contended that if the petitioner submits a representation to the 1st respondent, the 1st respondent would consider the same and pass appropriate orders in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this writ petition can be disposed of directing the petitioner to submit a representation afresh to the respondents staking the claim for refund of security deposit within a period of two weeks from the date of receipt of a copy of this order. On receipt of such a representation, the 1st respondent shall

consider the same and pass appropriate orders within a period of eight weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 19.2.2020

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