

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.26957 of 2019

ORDER:

This writ petition is filed seeking the following relief:

“.....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not returning the security deposit to the petitioner in respect of the works executed under Agreement No. 68/South/BZA/dated 15/06/1988 and Agreement No.16/South/BZA/dated 28/03/1989 as illegal, arbitrary and consequently direct the respondents to release forthwith the security deposit together with interest which it accrued and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.

Heard Sri K.Sitaram, learned counsel for petitioner and Sri C.V.Rajeev Reddy, learned Standing Counsel appearing for the respondents.

It is the case of the petitioner that he is a Contractor and he executed certain works pursuant to the agreements dated 15.6.1988 and 28.3.1989. Though he successfully executed the works, the respondents are not releasing the security deposit for the reasons best known to them.

Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to release or return the security deposit to the petitioner in pursuance of the contract work undertaken by him, as per the agreements dated 15.6.1988 and 28.3.1989, within a reasonable period.

Learned Standing Counsel appearing for respondents contended that the relief sought for by the petitioner in this writ petition is not maintainable as he has not completed certain formalities and that without completing those formalities, a direction cannot be issued to the respondents to return the security deposit. There are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that this writ petition can be disposed of directing the petitioner to submit a fresh application seeking return of the security deposit pursuant to the agreements dated 15.6.1988 and 28.3.1989 within a period of two weeks from the date of receipt of a copy of this order. On receipt of such an application, the respondents shall consider the same and pass appropriate orders within a period of eight weeks thereafter, subject to condition that the petitioner fulfils certain formalities.

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

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 20.01.2020
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