

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.3386 of 2021**

A K Agencies, Having Its Registered Office At Centre Point Aurimore Post Anpara District Sonbhadra U. P. 231225 Through Its Proprietor Shri Gouri Shankar Goel, Aged About 49 Years, S/o Late I. D. Goel R/o Auri More, Behind Mansarovar Lodge, Post Anpara, District Sonebhadra U. P. 231225

---- Petitioner**Versus**

1. South Eastern Coalfields Ltd. Through Its Chairman Cum Managing Director, Seepat Road, Bilaspur District Bilaspur Chhattisgarh Pin 495006
2. Director Project And Planning South Eastern Coalfields Ltd. Seepat Road, Bilaspur District Bilaspur Chhattisgarh Pin 495006
3. General Manager Materials Management Department South Eastern Coalfields Ltd. Seepat Road, Bilaspur District Bilaspur Chhattisgarh Pin 495006

---- Respondents

(Cause-title taken from Case Information System)

For Petitioner : Mr. Gary Mukhopadhyay, Advocate

For Respondents : Mr. Vaibhav Shukla Advocate

Hon'ble Shri Arup Kumar Goswami, Chief Justice**Hon'ble Shri Sanjay K. Agrawal, Judge****Judgment on Board****Per Arup Kumar Goswami, Chief Justice****26.10.2021**

Heard Mr. Gary Mukhopadhyay, learned counsel for the petitioner.

Also heard Mr. Vaibhav Shukla, learned counsel for the respondents.

2. The petitioner responded to a Notice Inviting Tender dated 23.10.2015 issued by the respondents and for the purpose of participating in the tender, the petitioner had, as required, deposited Earnest Money Deposit (for short 'EMD') of Rs.10 Lacs on 27.11.2015 vide Demand Draft drawn on Union Bank of India. It is pleaded that the petitioner had requested a number of times for release of the EMD and in response to an application filed by the petitioner under the Right to Information Act, 2005, a reply was given indicating that as revised guidelines had been issued by the Coal India Limited and as a connected matter was sub-judice, the case file was processed for cancellation and that the EMD can be released.

3. It is submitted by Mr. Gary Mukhopadhyay, learned counsel for the petitioner that even though the petitioner was informed that the EMD can be released, till now, the EMD of the petitioner has not been released and therefore, the writ petition is filed seeking a writ of mandamus, amongst others, directing the respondents to release/return the EMD amounting to Rs.10 Lacs along with compound interest @ 18% from January 2016 till the date of actual payment.

4. Mr. Vaibhav Shukla, learned counsel appearing for the respondents submits that within a period of 45 days, the EMD of the petitioner will be released.

5. On due consideration, we direct the respondents to release the EMD of the petitioner on or before 15.11.2021. Though, prayer for grant of interest is also made, in view of the fact that the petitioner has approached this Court after five years of the deposit being made, we are of the considered opinion that it is not a case where the writ Court ought to grant interest, as prayed for by the petitioner. However, we make it clear that if the amount as

directed is not released on or before 15.11.2021, the petitioner would be entitled to interest @ 8% from the date of deposit of EMD.

6. With the aforesaid observation and direction, writ petition stands disposed of. No cost.

Sd/-
(Arup Kumar Goswami)
Chief Justice

Sd/-
(Sanjay K. Agrawal)
Judge

Anu