

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4777 of 2021

- M/s Sujyoti India Private Limited, through its Director - Mr Shashank Muley, having its office at Nexus point, second floor, Vidhan Bhawan Square, Civil Lines, Nagpur 440001 Maharashtra., District : Nagpur, Maharashtra

---- Petitioner

Versus

1. South Eastern Coalfields Limited, through its Chairman cum Managing Director, having its office at SECL Headquarter, Seepat Road Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. The Director Technical (O), South Eastern Coalfields Limited., Having its office at SECL headquarter, Seepat Road, P.O. No. 60, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. The Director (Finance), South Eastern Coalfields Limited, having its office at SECL headquarter, Seepat Road, P.O. No. 60, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. The General Manager (MM), South Eastern Coalfields Limited, having its office at SECL headquarters, Seepat Road, P.O. No. 60, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner – Shri Maneesh Sharma, Advocate.

For respondents – Shri Vivek Chopda, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-11-2021

Heard.

1. It is submitted by learned counsel for the petitioner that the respondents authorities invited tender by notice dated 23-10-2015 for supply of imported and indigenous bearings. The petitioner submitted the bid and also deposited earnest money an amount of Rs. 10,00,000/- for the same bid. The tender was not finalized and it is informed that the whole tender process has been cancelled. The amount of EMD has been withheld by the respondent authorities without any reason so far. The petitioner company has made repeated requests to the respondent authorities to return the EMD, but the same could not be returned. The petitioner then obtained information under

Right to Information Act which is Annexure-P/1, in which it is informed that, money suit has been filed against the petitioner company before the Commercial Court of Chhattisgarh at Raipur with respect to a different tender, therefore, the EMD in the present tender process has been retained by the respondents. Hence, it is prayed that appropriate order be passed.

2. Learned counsel representing the respondents opposes the submission.

3. Considered on the submissions. Perused the documents filed along with the petition. As it appears that there is no valid reason present for retention of the EMD deposited by the petitioner way back in the year 2015 and further, that the tender process has also come to an end without any result, therefore, the petitioner has entitlement for return of the EMD. Hence, this petition is disposed off at motion stage. Respondents No.3 and 4 are directed to grant refund to the petitioner of the EMD which has been deposited in the year 2015, within a time limit of 60 days. With these observations, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge