

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3345 of 2022

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M/s Cobra Industrial Security Forces (India) Ltd. A company duly registered under the provisions of the Companies At, 1956, having its registered office at Tiwary Mansion, Kamla Nagar, Near Akash Trading, Kokar, PS- Sadar, Ranchi, Jharkhand and one of its Local Office at Samvedan, Ravikar Lane, Gujral Path, Keshari Nagar, PS- Shastrinagar, Patna, through its Director Sunil Kumar Tiwary, Son of Late Capt. S.N. Tiwari, Resident of Samvedan, Ravikar lane, Gujral Path, Keshari Nagar, PS- Shastrinagar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Department of Agriculture, Government of Bihar, having its Office at Pant Bhawan, P.O. Baily Road, P.S. Baily Road, District- Patna - 800001.
2. The Administrator, Bihar State Agricultural marketing Board, having its Office at pat Bhawan, P.O. Baily Road, P.S. Baily Road, District Patna - 800001.
3. Accountant, Bihar State Agricultural Marketing Board, Having its Office at Pant Bhawan, P.O. Baily Road, P.S. Baily Road, District- Patna - 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Shankar Choubey, Advocate
For the Respondent/s : Mr. Dhurjati Kr. Prasad (GP14)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 14-10-2022

Petitioner has prayed for the following relief(s):-

- (I) For a direction upon the Respondents especially the Respondent No. 2 to immediately refund the Earnest Money Deposit (EMD) amount of Rs.



3,86,000/- deposited by the Petitioner in terms of Clause No. 2 of Notice Inviting Tender No. Bi.Ra.Kri.Vi.P. 01/2019-20 (**Annexure-1**) floated by the Respondent Board for providing Security Guards Services and also to refund the Earnest Money Deposit (EMD) amount of Rs. 2,60,000/- deposited by the Petitioner in terms of Clause No. 2 of Notice Inviting Tender No. Bi.Ra.Kri.Vi.P. 02/2019-20 (**Annexure-2**) floated by the Respondent Board for providing Cleaning Services, in view of the fact that those Tenders were cancelled by the Respondent Board on 26.05.2020 due to some internal reasons, and even after lapse of more than one and half years and despite several requests made by the Petitioner vide separate Letters dated 15.02.2021 (**Annexure-7**) and dated 28.12.2021 (**Annexure-8**) refunding those EMD amount, but till date those EMD amounts has not been refunded to the Petitioner by the Respondent Board.

- (II) For a further direction upon the Respondent Board to refund the above EMD amounts, deposited by the



Petitioner against the aforesaid two tenders, alongwith interest @ 18% from its due date, in view of the fact that as per Clause-2 of those Tenders, the Respondent Board was required to refund the EMD amount within a week from the date of final order and admittedly in the instant case, those Tenders were cancelled as back as on 20.05.2020 and till date the same has not been refunded to the Petitioner.

(III) For any other relief/reliefs for which the petitioner may be deemed fit and proper by this Hon'ble Court u under the facts and circumstances of this case.

Shri Dhurjati Kumar Prasad, learned GP-14, appearing for the respondents states that the petitioner's grievances stand redressed inasmuch as the claim stands agitated and the payment also stands accepted and amount remitted in the petitioner's account.

Statement accepted and taken on record.

In view of the same, petition is disposed.



Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	18.10.2022
Transmission Date	

