

List dt.6.6.22
Item No. 212
21.06.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 2577 of 2020

**M/s. Abir Construction
-versus
The State of West Bengal & Ors.**

**Mr. Probal Sarkar.
...For the Petitioner.**

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the respondents in spite of service.

The petitioner submits that in response to a notice inviting E-tender dated 23rd December, 2019 by the No.7 Habaspur Gram Panchayat for improvement and construction of PCC road in proportion from the house of Rakibur towards Piyarul at Dararkandhi.

The petitioner participated in the tender process by depositing earnest money of Rs.2,700/-. The petitioner submits that he was disqualified in the tender process and the successful tenderer was issued the contract. Due to passage of time, the work which was put to tender has since been completed.

Presently, the petitioner seeks for a direction upon the Gram Panchayat for refund of the earnest

money of Rs. 2,700/- deposited by the petitioner at the time of submission of his tender documents.

It appears that the writ petition was filed by the petitioner challenging his disqualification. Due to pendency of the writ petition the said cause of action does not survive any further.

Accordingly, leave is granted to the petitioner to make a formal application before the Panchayat praying for refund of the earnest money deposited at the time of filing the tender documents.

In the event such a representation is made along with supporting documents, the same shall be considered by the Pradhan of the Gram Panchayat and if the Pradhan is of the opinion that the petitioner will be entitled to the refund as prayed for, then necessary steps shall be taken for refunding the said amount to the petitioner.

The Pradhan shall dispose of the prayer of the petitioner within a period of thirty days from the date of receipt of the representation of the petitioner.

If the Pradhan is of the opinion that the money cannot be refunded, then the reason for not refunding the earnest money deposited by the petitioner shall also be intimated to him.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)