

22.06.2022
sayandeep
Sl. No. 09
Ct. No. 05

WPA 11008 of 2022

Sri Rabilachon Pan
-Versus-
Union of India & Ors.

Mr. Jit Ray
Mr. A. A. Chakraborty
..... for the petitioner

The affidavit-of-service is kept on record.

The petitioner prays for refund of an earnest money deposited by the petitioner amounting to Rs. 26,09,640/- paid to the respondent Nos. 3 and 4 being the SEBI in pursuance of a bid putting by the petitioner. The petitioner was initially declared as the unsuccessful bidder, then declared as successful bidder and ultimately declared again as the unsuccessful bidder. This was pursuant to an order passed by a coordinate Bench by which the highest bidder was confirmed and the said bidder was permitted to act in terms of the tender documents.

The prayer of the petitioner is in terms of a letter written to the SEBI on 26th May, 2022 requesting for return of the EMD deposited by the petitioner within a certain timeframe. This letter has not been responded to. Since the tender has been confirmed in favour of the highest bidder and the petitioner has not been

successful in the said tender, there is no conceivable reason why the SEBI should retain the EMD.

WPA 11008 of 2022 is accordingly disposed of with the direction on the respondent Nos. 3 and 4 to refund the EMD of Rs. 26,09,640/- to the petitioner within two weeks from the date of communication of this order.

(Moushumi Bhattacharya, J.)