

Sl. No.103
19.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 18638 of 2021

Electrosteel Castings Limited & Anr.
Versus
Berhampore Municipality & Ors.

Mr. Arif Ali
Mr. Prabhat Kumar Srivastawa
... for the Petitioners

None appears on behalf of the Municipality.

The petitioners pray for refund of the balance
earnest money deposit/ security deposit.

Reference has been made to a communication
dated 20th January, 2018 to show that a part of the
earnest money/ security deposit amounting to
Rs.20,000/- was refunded to the petitioners.

The petitioners submit that payment for supplies
have been cleared. Presently the petitioners seek for
refunding balance amount of the earnest money
deposit/security deposit amounting to Rs.7,34,556/-.

The petitioners submit that the representation
made by the learned advocate of the petitioners on 24th
June, 2022 is pending consideration at the end of the
Municipality.

As none appears on behalf of the Municipality, the Court is not in a position to decide the issue conclusively.

The writ petition is accordingly, disposed of by directing the Chairman, Berhampore Municipality to take a decision with regard to the prayer of the petitioners for refund of the balance security deposit amounting to Rs.7,34,556/-.

A decision shall be taken in the matter in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of this order.

The said respondent shall afford an opportunity of hearing to the petitioners to produce all documents in support of their claim.

A reasoned order shall be passed by the Chairman and communicated to the petitioners immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

Learned advocate for the petitioners is directed to forward a copy of the representation dated 24th June, 2020 along with all supporting documents to the

aforesaid respondent at the time of communicating the order of the Court.

Affidavit of service filed in Court is taken on records.

Writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)