

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

40 01.9.2023
Sc Ct. no. 2

WPA 1919 OF 2023

G.T.C. India

Vs.

Senior Divisional Electrical
Engineer, North East Frontier
Railway, Alipurduar Junction & Ors.

Mr. Subham Ghosh
Mr. Mayank Roy.

....For the Petitioner

Mr. Sudipto Kumar Mazumder
Mr. Saptak Sarkar
Mr. Sourab Kar.

....For the Respondent
Nos. 1 to 4

The petitioner claimed that, it has become the L1 bidder in respect of **Tender No.AP-EL-18-22-23 dated March 24, 2023**. Suddenly on August 3, 2023, the petitioner discovered that, the earnest money which was paid by the petitioner was refunded back by crediting the bank account of the petitioner, ***Annexure-P8 at page 71 to the writ petition***. Immediately by a letter dated ***August 7, 2023, Anexure-P9 at page 72 to the writ petition***, the petitioner submitted a representation seeking the reasons for such refund of earnest money. The said representation has not yet received any attention of the respondent/Railway Authority.

Mr. Sudipto Kumar Mazumder, learned Deputy Solicitor General of India appears for the respondent nos. 1 to 4.

After considering the submissions made on behalf of the parties and upon perusal of the materials-on-record, the respondent no.1 is directed ***to consider the said representation of the petitioner dated August 7, 2023, Annexure-P9 at page 72 to the writ petition*** by showing the reasons ***in detail*** as to why the said earnest money, deposited by the petitioner, was refunded by crediting the bank account of the petitioner.

Such exercise shall be carried out and completed by the respondent no.1 ***positively*** within a period of ***ten days*** from the date of communication of this order.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms this writ petition, ***WPA 1919 of 2023*** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)