

Item No.5
24.07.2024
Court. No. 9
GB

W.P.A. 6579 of 2024

Shivam Iron and Steel Co Ltd. & Anr.
Vs.
Eastern Coalfields Limited & Ors.

Mr. Suddastva Banerjee,
Ms. Ankita Upadhyay

...for the Petitioners.

Mr. Debnath Ghosh,
Ms. A. Mukherjee,
Mr. Abir Debnath,
Mr. P. Bose

...for the Respondent Nos.1 to 3.

Mr. Avishek Guha,
Mr. Ankush Majumdar,
Ms. Aditi Nandi

...for the Respondent No.4.

In the opinion of the Court, the challenges in the writ petition do not survive as the cancellation of the petitioners' bid was intimated to the petitioners by an order dated October 30, 2023. The petitioners failed to deposit the purchase value within the stipulated period as per the Notice Inviting Tender. Thus, the Eastern Coalfields Limited decided to cancel the bid of the petitioners.

The petitioners now submit that the earnest money deposit is still with the Eastern Coalfields Limited and they have refused to return the same. The petitioners further submit that the law has been well-settled by this Court that failure to deposit the purchase value, would not lead to forfeiture of the earnest money deposit.

Mr. Ghosh, learned advocate for the Eastern Coalfields Limited submits that the cause of action in the writ petition is not with regard to forfeiture of the earnest money deposit.

Neither have the petitioners prayed for return of the earnest money deposit nor have the respondent decided to forfeit the same.

Under such circumstances, the writ petition is disposed of with a direction upon the Chairman cum Managing Director, Eastern Coalfields Limited or any other competent authority duly authorized, to dispose of the prayer of the petitioners for refund/return of the earnest money deposit within a period of one month from the date of communication of this order, upon taking into consideration the relevant clauses of the NIT as also the law prevailing in the field.

The petitioners are at liberty to communicate this order along with a copy of the writ petition and the decisions they seek to rely upon, in support of their claim. The petitioners shall be heard.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)