

Writ Petition No.3975 of 2024

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions Registrar's orders.	Court's or Judge's order
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CORAM : BHARATI DANGRE AND ABHAY J. MANTRI, JJ.

1. Pursuant to the e-Tender floated by the Zilla Parishad, Buldhana for construction of works stated in the tender, the petitioner submitted his bid on 27th June, 2023 and also deposited an Earnest Money Deposit of Rs.63,49,914/-. On participation in the tender process, the petitioner's bid was not accepted being the lowest one. Clause 14.1 of the tender document stipulates that the bid is valid for 180 days, which shall be reckoned from the date of opening of the bid envelope no.2 and the same was opened on 14th July, 2023 and, therefore, according to the learned counsel for the petitioner, the period of 180 days came to an end on 13th January, 2024.

2. The petitioner made several representations seeking refund of the Earnest Money Deposit stating therein that if the amount of Earnest Money Deposit is not refunded, the respondents shall be liable to pay the interest of 18% per annum from the date of deposit of the Earnest Money Deposit. However, the petitioner could not succeed in getting the refund, which constrained him to file the present petition.

3. In response to the petition, the respondents have filed an affidavit, which is taken on record, and surprisingly, because of the pendency of the petition, they have adopted a stand that the tender process is not completed and even the work order is not issued. In any case, the petitioner is conscious of the fact that he was not selected being the lowest bidder and at present, he is only seeking refund of the Earnest Money Deposit from the respondents and though in the petition, it is claimed that the interest of 18% per annum is claimed, the learned counsel for the petitioner, fairly submits that if the amount of Earnest Money Deposit will be refunded to the petitioner within a period of four weeks, the petitioner shall waive the interest, but if there is a delay in refunding the amount of Earnest Money Deposit, it shall incur interest at the rate of 12% per annum.

4. In the wake of the aforesaid aspects, we direct the respondents to refund the Earnest Money Deposit of Rs.63,49,914/- to the petitioner within a period of four weeks from the date of passing of this order. Delay in refund of the amount shall attract the interest at the rate of 12% per annum.

5. With these directions, the petition stands disposed of. No costs.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)