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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3769/2024**

MAAN BULDERS PVT LTD.

..... Petitioner

Through: **Mr. Vishal Gupta, Adv. (VC)**

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: **Mr. Jivesh Tiwari, SPC alongwith
Vedansh Anand, GP for UOI.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

25.04.2024

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1. The present petition seeks that the respondents be directed to refund the earnest money of Rs. 46,39,700/- which was deposited by the petitioner in respect of a tender floated by the respondent no.2 for “Construction of 4- Nos platforms with covered sheds, 5 nos. washing Lines, 7 nos. Stabling Lines, Washable Apron for 7 lines, Water storage tanks with 2 tube wells, water supply arrangement, Parcel siding with high level covered platform, Sick line Shed and Building, including earthwork and other ancillary works in connection with Jammu-Second Entry - development of coaching terminal at Jammu Tawi Railway Station”.

2. The petitioner is aggrieved by the fact the earnest money deposited for the said tender has been forfeited by the respondents unreasonably, on the erroneous premise that the offer made by the petitioner was withdrawn. It is submitted by the learned counsel for the petitioner that the petitioner never withdrew its offer, and is entitled to refund of the earnest money.



3. Learned counsel for the petitioner further submits that it was only by way of the response to the RTI application, that it came to the knowledge of the petitioner that the earnest money deposited by the petitioner had been forfeited. Consequently, the present petition has been filed.
4. Learned counsel for the respondent refutes that the earnest money has been wrongly forfeited. He submits that the forfeiture of the earnest money was on account of the fact that the petitioner had filled incorrect information with regard to the technical parameters.
5. In the above backdrop, it would be apposite for the respondent no.2 to consider the present petition of the petitioner as a representation of the petitioner, and pass an appropriate order with respect to the same after affording an opportunity of hearing to the petitioner. Let an opportunity of hearing be provided to the petitioner within a period of 2 weeks and a reasoned order be passed within a period of 3 weeks thereafter.
6. Upon conclusion of the aforesaid exercise, if so warranted, the earnest money deposited by the petitioner with the respondent no.2 shall be refunded to the petitioner.
7. In case the petitioner is aggrieved with the outcome of the aforesaid exercise, it shall be at liberty to avail appropriate remedies in accordance with law.
8. The present petition stands disposed of in the above terms.

SACHIN DATTA, J

APRIL 25, 2024/at