

29.07.2025
Sl. No. 22
Ct No. 3
SG

WPA 8036 of 2025

**Super Construction
Vs
The State of West Bengal & Ors.**

Mr. Robiul Islam,
Mr. Su Jayeel Hossain.

... for the petitioner

Mr. Sandipan Banerjee,
Mr. Aniket Sureka.

...for HMC

1. Affidavit-of-service is taken on record.
2. The petitioner in the present writ petition is challenging the inaction on the part of the respondent-Corporation in not refunding the Earnest Money Deposit (EMD) amount even after lapse of almost two years from the date of its deposit.
3. It is the case of the petitioner that they participated in NIT No. WB/HMC/TN/SE/18/22-23 dated 19.04.2023 issued by the respondent-Corporation qua the work specified at Sl. No. 3 therein. The estimated amount as per the tender was Rs.2,08,59,850/- and the Earnest Money (EMD) was Rs.4,17,197/-. The petitioner deposited the said EMD through Bank Draft on 12.06.2023 and participated in the said tender process. The petitioner's bid was technically accepted and after financial evaluation,

the petitioner was found to be L2 bidder. Hence, the tender was not awarded to the petitioner.

4. The petitioner submits that as per the tender condition, the EMD amount was to be refunded within a period of 3 to 4 days through automated process to the petitioner's bank account. However, even after the lapse of two years, the said EMD amounting to Rs. 4,17,197/- has not been refunded to the petitioner. In spite of repeated requests before the concerned authority, no steps have yet been taken to refund the said amount.

5. Learned Counsel for the respondent-Corporation submits that they are ready to consider the present writ petition as a representation and address the petitioner's grievance.

6. Learned Counsel for the petitioner states that the petitioner shall be satisfied if the same is decided within a time bound manner.

7. In view of the said submissions made by the learned Counsel for the parties, this Court directs the respondent no. 4 to treat the present writ petition as representation and decide the same strictly in accordance with law, within a period of eight weeks, from the date of communication of this order, after affording an opportunity of personal hearing to the petitioner, by way of a speaking order.

8. With the above direction, the present writ petition is disposed of.

9. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

10. There shall be no order as to costs.

11. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)