

30.06.2025
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Ct. No.7
sdas

WPA 17076 of 2022

M/s. Uptech Machinery & Construction Saddipara, Suri,
Birbhum
Vs.
The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Santanu Maji
Ms. Debrani Mondal
.....for the petitioner

Ms. Amrita Panja Moulick
..... for the State

The present writ petition has been preferred seeking an appropriate direction upon the concerned respondents for the release of the petitioner's security deposit and earnest money.

Mr. Bose, learned Advocate appearing for the petitioner, submits that upon emerging as the successful bidder, the petitioner was awarded a work order for the construction of an Auditorium and a Children's Park at Mahishadal (under Itamogra Gram Panchayat), Purba Medinipur. However, the petitioner was unable to complete the said work within the timeframe stipulated in the Notice Inviting Tender (in short, NIT). Consequently, the petitioner was disengaged from the project, and another contractor was appointed to execute the remaining portion of the work.

Mr. Bose further submits that an appropriate direction be issued upon the respondents for the release of the security deposit and earnest money furnished by the petitioner.

Ms. Panja Moulick, learned Advocate appearing for the State, submits that as the petitioner failed to complete the construction work within the timeframe stipulated in the Notice Inviting Tender (NIT), his contract was terminated, and another contractor was engaged to execute the remaining portion of the work. She further submits that the respondents invoked the forfeiture clause contained in the NIT, pursuant to which the petitioner's security deposit and earnest money were forfeited in the year 2018. The order of forfeiture was duly communicated to the petitioner. Despite the same, the petitioner has approached this Hon'ble Court by filing the present writ petition in the year 2022.

A copy of the order forfeiting the security deposit and the earnest money has been handed over to Mr. Bose, the learned Advocate representing the petitioner in Court today. Mr. Bose has expressed his intention to challenge the said order by filing a separate writ petition.

In view thereof, the present writ petition is dismissed.

It is hereby clarified that this order shall not operate as a bar to the petitioner challenging the order of forfeiture

of his security deposit and earnest money, provided such challenge is not otherwise barred by law.

There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.)