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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.36240 of 2024

M/s.Excel Engineering Enterprises,
No.63, Thamaraikulam,
Yelagiri Post, Jolarpet,
Vellore District,
Rep. by its Proprietor,
G.Kumaresan

.. Petitioner

Vs.

The Commissioner,
Jolarpet Municipality,
Jolarpet,
Tirupattur District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 14.02.2024 to return the EMD and FSD amount totally to the tune of Rs.3,68,500/- as the tender work was successfully executed by the petitioner in Letter of Acceptance in ROC.No.76/2016/E1 dated 27.06.2016 on the file of the respondent and work completion certificate in ROC.No.1041/2016/DO1 dated 15.12.2020.



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2

For Petitioner
For Respondents

.. Mr.M.P.Rajavelayutham
.. Mr.S.Rajesh
Government Advocate

ORDER

This writ petition has been filed in the nature of a mandamus seeking a direction to the respondent, Commissioner, Jolarpet Municipality in Tirupattur District to consider the representation of the petitioner dated 14.02.2024 by which the representation, the petitioner seeks return of the Earnest Money Deposit and the Fixed Security Deposit to a sum of Rs.3,68,500/-. The petitioner had been issued with the work completion certificate in ROC.No.1041/2016/DO1 dated 15.12.2020.

2.It is contended in the writ petition even after the work had been completed in the year 2020, respondents had not returned back the Earnest Money Deposit and the Fixed Security Deposit amount and have retained it. By this writ petition, petitioner seeks consideration of a representation given seeking return of Earnest Money Deposit and Fixed Security Deposit amount.

3.It is to be stated that the fact that the petitioner is a Class-I Contractor and the fact that the petitioner had executed the work under direction of the respondent



have not been denied or disputed by the respondents. It is also stated that the amounts towards the work executed by the petitioner had actually been paid by the respondents. With respect to return of the Earnest Money Deposit and Fixed Security Deposit amount, it had been stated that orders have been passed in the representation given by the petitioner that the same would be returned back on clearance of the audit objections which had been raised. It had been contended that the respondents would take every effort to clear the audit objections and immediately thereafter, the amount would be returned back to the petitioner herein. Taking into consideration that particular fact which had been stated in the order passed on the representation given by the petitioner herein, the writ petition stands disposed of with a direction that immediately after the audit objections is cleared, the respondents must return back the Earnest Money Deposit and the Fixed Security Deposit amount to the petitioner herein. No Costs.

10.01.2025
(2/9)

Index:Yes/No
Internet:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
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4



C.V.KARTHIKEYAN,J.

SSI

To

The Commissioner,
Jolarpet Municipality,
Jolarpet,
Tirupattur District.

W.P.No.36240 of 2024

10.01.2025
(2/9)