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

+ W.P.(C) 13244/2022

EMERGY ENVIRO PVT LTD- SINE IIT BOMBAY COMPANY

.....Petitioner

Through: Mr. Raghav Alok, Mr. K.R.
Ravishankar, Ms. Vasudha Trivedi,
Mr. Yash Gupta, Advs.

versus

COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH &
ORS.

.....Respondents

Through: Mr. Malay Swapnil, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

29.01.2025

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1. The present petition has been filed by the petitioner being aggrieved by the actions of the respondents in withholding the performance security deposit of Rs. 20,70,000/- which became due and payable to the petitioner by the respondent no.2 on successful completion of the awarded work to the petitioner.
2. It is submitted that there is no controversy that the work has been completed to the satisfaction of the respondents.
3. Further, it is stated that the respondents has neither forfeited the performance security amount nor raised any controversy as regards release thereof to the petitioner. Also, the completion certificate dated 18.02.2020 issued by respondent no.2 records that the work performed by the petitioner has been found to be satisfactory.
4. It transpires that the respondent no.2 has withheld the release of the



performance security amount on the ground that there is some complaint of corruption against the petitioner which is a subject matter of investigation in some proceedings.

5. On a query raised by this court, learned counsel for the petitioner submits that the petitioner has not been indicted in any proceedings nor has any chargesheet been filed against the petitioner. Further, he submits that the instant contract between the petitioner and the respondents, which is the subject matter of the present petition, is not a subject matter of any pending investigation.

6. Considering the aforesaid circumstances, the present petition is disposed of with the direction to the respondents to consider the request of the petitioner for release of the performance security amount. In case there is no impediment in this regard, the performance security amount, to which the petitioner is entitled to, shall be forthwith released to the petitioner.

7. In case there is any impediment in withholding the performance security amount, the same shall be duly intimated to the petitioner and an opportunity of hearing shall be granted, followed by a reasoned order.

8. Let the aforesaid exercise be completed within a period of six weeks from today.

9. The present petition is disposed of in the above terms.

10. In case the petitioner is aggrieved with the outcome of the aforesaid exercise, he shall be at liberty to avail appropriate remedies.

SACHIN DATTA, J

JANUARY 29, 2025/uk