

April 27, 2026
(42) ARDR

WPA 6041 of 2026

Md. Sarif Mia & ors.
Vs.
The State of West Bengal & ors.

Adv. Md. Manuwar Ali,
Adv. Arpan Sinha,
Adv. Nandita Kundu,
...for the petitioners.
Adv. Subhasis Bandopadhyay,
...for the respondent no.6.
Adv. Debnarayan Banerjee,
Adv. Rinku Sen,
...for the State.

Affidavit of service filed by the petitioners and the report submitted by the State are taken on record.

None appears for the Panchayat despite service.

Learned counsel for the petitioners submits that the petitioners participated in a tender floated by the Pradhan, Kurmun - II Gram Panchayat but did not succeed therein. The petitioners sought return of the earnest money deposited by them before the Panchayat and submitted a representation before the Block Development Officer, Burdwan-II Block, being the 4th respondent herein for refund of the same. Pursuant to the said representation, an amount of Rs.2,70,000/- has been refunded to the petitioners out of the entire earnest money of Rs.6,70,000/-. The petitioners seek consideration of their representation and refund of the dues.

Learned counsel for the private respondent submits that the petitioners deposited an amount of Rs.6,70,000/- as earnest money before the private respondent which was

not deposited by the latter before the Panchayat. An agreement was entered into by and between the parties by virtue of which the private respondent returned an amount of Rs.2,70,000/- to the petitioners and issued three cheques for the remaining amount in their favour.

It appears from the report submitted by the State that it was found that an amount of Rs.3,54,412/- received by the private respondent from the petitioners as earnest money was not deposited into the bank account of the Panchayat, nor recorded in its cashbook.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since it is not in dispute that the entire earnest money deposited by the petitioners has not been refunded to them, the 4th respondent is directed to consider and dispose of the representation submitted by the petitioners in this regard on 7th April, 2025 within six weeks from the date of communication of this order upon granting reasonable opportunity of hearing to all concerned including the petitioners and the private respondent, in accordance with law.

The parties shall be at liberty to place relevant documents in support of their contention before the concerned authority at the time of hearing.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)