IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 19717 of 2026
ODHC010467672026

Subhendu Kumar Sahu .... ***Petitioner***

Mr. S.K. Sahu, Advocate

-versus-

State of Odisha and others .... ***Opposite Parties***

Ms. Aishwarya Dash, Additional Standing Counsel

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE CHITTARANJAN DASH

ORDER
04.11.2026

Order No.

01. **1.** The instant writ petition is filed by the petitioner making an innocuous prayer that despite having been declared unsuccessful in the tender process, the authorities are unreasonably withholding the Earnest Money Deposit (EMD), which is liable to be refunded to the petitioner.

2. When the matter is taken up, Ms. Aishwarya Dash, learned Additional Standing Counsel (ASC) appearing on behalf of the State-opposite parties, on instruction, submits that the EMD amounts had been deposited from the bank account furnished by the

petitioner. However, while processing the refund, it was found that the said account had been closed.

3. We have perused the annexures to the writ petition, which reveal that the petitioner had communicated to the authorities the details of an alternate bank account for remittance of the EMD amounts. Despite furnishing all necessary particulars, no steps have been taken by the authorities and the EMD amounts continue to be retained by them without any justifiable reason.

4. The aforesaid factual position is not disputed by the learned Additional Standing Counsel. According to her, the authorities are taking steps to process the refund of the EMD amounts in favour of the petitioner by crediting the same to the alternate bank account furnished by him and the amounts would be remitted within a short span of time.

5. It is no longer *res integra* that the moment a bidder fails to secure the award as he is not adjudged the successful bidder, the Earnest Money Deposit is liable to be refunded and the authorities cannot withhold the same. Merely because the account from which the EMD amounts were originally remitted has since been closed,

the authorities cannot retain the petitioner's money. Once the Petitioner has furnished the particulars of the alternate bank account for receiving the refund, the authorities are expected to remit the EMD amounts to the said account after due verification.

6. The writ petition is, accordingly, disposed of directing the competent authority to remit the EMD amounts and credit the same to the bank account furnished by the petitioner within a period of two weeks from the date of communication of this order.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

S. Behera

Signature Not Verified
Digitally Signed
Signed by: SUMANTA BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 05-Nov-2026 16:28:24