

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO.2023 of 2023

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India to declare the action of respondents in not refund the EMD fee of Rs.1,78,458/- towards AP e-Procurement tender vide 'e' NIT No 67/14/SHAction Plan/MD/APRDC/2018-19, dated 04.02.2019 and Tender ID No.265856 for the purpose of "Wedding and Strengthening of Jammalamadugu to Kadiri road from km 80/40 to 83/0 in Anatapuramu District" as illegal, arbitrary, malafide, high handed, contrary to the established procedure of law apart from being violative of Articles 14, 86 & 19(g) of the Constitution of India and to consequently direct the Respondents to forthwith refund the payment of above EMD amount along with interest @ 24% p.a. to the petitioner.

2. The grievance of the petitioner in this present writ petition is that in order to participate in the tender process, he deposited an amount of Rs.1,78,458/- as EMD as per the tender conditions and also submitted required documents. As the petitioner is unsuccessful in the tender, therefore, he

made a representations dated 18.06.2022 and 20.06.2022 to the respondent Nos.4 and 5, requested to refund the EMD amount which was deposited by the petitioner towards tender. As no order has been passed and therefore, the petitioner herein has approached this Hon'ble Court, seeking a direction to the respondents for disposal of the representations.

3. Therefore, the present Writ Petition is disposed of directing the respondent Nos.4 and 5 to examine and pass appropriate orders on the said representations within a period of three (3) weeks from the date of receipt of this Order.

4. With the above said direction, the Writ Petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 30.01.2023
vns

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