

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.20702 of 2023

ORDER:

1. The present petition is filed aggrieved by the action of the respondents in not releasing the refund of 7.5% of withheld amounts and 2.5 % Earnest Money Deposit(EMD) amounts of Rs.63,165/-(WHA), Rs.23,550/-(EMD), Rs.69,123/-(WHA), Rs.24,200/-(EMD), Rs.45,915/-(WHA), Rs.24,900/-(EMD), Rs.36,649/-(WHA), Rs.14,300/-(EMD), Rs.34,208/-(WHA) and Rs.12,775/-(EMD) respectively.

2. Learned counsel for the petitioner submits that the petitioner has entered into various agreements with the respondents for the works in Kurnool District and he completed the work as per the agreements. Execution of works was entered into measurement book prepared by the respondent authorities without noticing any defects. The amounts for execution of work was paid to the petitioner, but the earnest money deposit and withheld amounts was not released even after completion of defect liability period. The petitioner has approached the respondents several times for reimbursement of the earnest money deposit and withheld amounts. As the respondents have failed to release the earnest money deposit and withheld amounts, the petitioner is seeking a direction to the

respondent authorities for release of earnest money deposit and withheld amounts.

3. Learned Government Pleader submitted that the respondents are ready to pay the amounts due to the petitioner.

4. Heard the learned counsel for the petitioner and learned counsel for the respondents.

5. Keeping in view facts and circumstances of the case, submissions made by both learned counsel and on perusing the material placed on record, as there is no justification in withholding the earnest money deposit and withheld amounts, even after completion of defect liability period and completion of the work allotted by the respondents, this Court deems it appropriate to direct the respondents to release the earnest money deposit and withheld amounts due to the petitioner for the last several months.

6. In the result, this Writ Petition is disposed of, directing the respondents to release the earnest money deposit and withheld amounts of Rs.63,165/-(WHA), Rs.23,550/-(EMD), Rs.69,123/-(WHA), Rs.24,200/-(EMD), Rs.45,915/-(WHA), Rs.24,900/-(EMD), Rs.36,649/-(WHA), Rs.14,300/-(EMD), Rs.34,208/-(WHA) and Rs.12,775/-(EMD) respectively to the petitioner within a period of four (04) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

27.11.2023
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