

(2013) 04 JH CK 0057

In the Jharkhand High Court

Case No : Writ Petition (C) . No. 6450 of 2012

Navin Choudhary

APPELLANT

Vs

Administrator, Ranchi Municipality and Another

RESPONDENT

Date of Decision : 12-04-2013

Acts Referred:

Citation : (2013) 2 AJR 660

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

**Advocate : M. K. Choubey, for the Appellant; R. R. Nath, for Respondents-
R.M.C., for the Respondent**

Final Decision : Disposed Off

Judgement

Aparesh Kumar Singh, J.—Heard counsel for the parties. The grievance of the petitioner in the present writ application is that the Respondent-Ranchi Municipal Corporation has not finalized the tender process under the N.I.T. contained in Memo No. 2722 dated 12-12-2009 for settlement of a shop situated at Uppar Bazar Shed No. 11 till date.

2. According to the petitioner, he participated in the bid process by furnishing earnest money of Rs. 50,000/- where the reserve price of the shop came to Rs. 3 lakhs. Relying upon the corrigendum contained at Annexure-6 dated 21.1.2010, he submits that the last date of opening of the bid was extended but till date the tender has not been finalized. The petitioner is suffering as his earnest money is lying with them and no decision has been taken as yet.

3. Counsel for the respondent-R.M.C. on oral instruction submitted also referring to Clause 7 of the said tender notice that the N.I.T. was valid for a period of 1 year only for settlement of a shop on monthly rent basis and the said N.I.T. has since then been cancelled by the respondents.

4. Counsel for the petitioner submits that the respondents cannot be allowed to act in such an arbitrary manner by keeping the deposit of the petitioner which is

lying for 3 years causing immense hardship to him and also not finalizing the tender.

5. I have heard counsel for the parties. The respondents-Ranchi Municipal Corporation have not finalized the tender issued in December, 2009 after inviting bids from interested persons. According to the counsel for the respondents, the said bid has been cancelled. However the earnest money of the petitioner has not been returned.

6. In such circumstances, for a tender of 2009, this Count cannot direct the respondents-R.M.C. to finalize the said tender, which apparently has been cancelled and was for settlement of shop for 1 year only. However the petitioner is entitled to refund of the earnest money, which should be made within a period of 3 weeks from the receipt of this order together with interest @ 8%. The writ petition is disposed of in the aforesaid terms.