

GAHC010024572022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1170/2022

NIHARENDU BHATTACHARJEE
S/O LATE NRIPENDRA KR. BHATTACHARJEE, R/O CR AVENUE, NEAR
NORTHEASTERN H.S. SCHOOL, SILCHAR, PIN-788012

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, MUNICIPAL ADMINISTRATION, DISPUR,
GUWAHATI-781006

2:SILCHAR MUNICIPAL BOARD
REPRESENTED BY ITS CHAIRMAN
SADAR GHAT
SILCHAR
PIN-788001
CACHAR
ASSAM

3:ADDITIONAL DEPUTY COMMISSIONER
O/O THE EXECUTIVE OFFICER
SILCHAR MUNICIPAL BOARD
SADAR GHAT
SILCHAR
PIN-788001
CACHAR
ASSAM

4:DIRECTOR
TOWN AND COUNTRY PLANNING
ASSAM
DISPUR

GUWAHATI-781006
ASSA

Advocate for the Petitioner : MR. B CHAKRABORTY

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

23.02.2022

Heard Mr. B. Chakraborty, learned counsel for the petitioner and Mr. K. Goswami, learned Additional Senior Government Advocate, Assam for the respondent Nos. 1, 3 & 4.

The respondent Silchar Municipal Board on 09.04.2012 issued short tender notice for the work of construction of the Multi-utility Building at Silchar under 10% pool fund where the work was required to be completed within 24 (twenty four) months from the date of issuance of formal work order.

Pursuant to the same, the petitioner has submitted his bid. Finding his bid responsive and viable, the respondents in the Silchar Municipal Board on 01.08.2012 issued formal work order to the petitioner at 16.80% above the schedule rate for the building of 2010-2011 for tender value of Rs.5,73,24,748/- and specified the time for completion of said work within a period of 24 (twenty four) months.

By an order dated 21.09.2015, the Chairman, Silchar Municipal Board cancelled the said work order as the petitioner failed to complete the construction of said Multi-utility Building at Silchar Municipal Board under 10% pool fund within the relevant period even after extension of time intimating him that his earnest money deposited for the said work shall be returned.

As the petitioner approached the respondent authorities for return of his earnest money amounting to Rs.11,47,000/- and the security deposit of Rs.29,46,988/- that he deposited for the said work, the Executive Officer, Silchar Municipal Board by its communication dated 21.12.2020 rejected the said prayer of the petitioner to return the

earnest money as well as the security deposit for the said work, noted above, forfeiting the same as he failed to complete the work entrusted to him by the said work order dated 01.08.2012 and within the extended time.

Being aggrieved with the same, the petitioner has preferred this writ petition.

Issue notice, returnable by **04.04.2022**.

As Mr. K. Goswami, learned Additional Senior Government Advocate, Assam has accepted notice on behalf of the respondent Nos. 1, 3 & 4, no formal notice need be issued to those respondents.

Petitioner shall serve requisite extra copies of this petition along with the annexures appended thereto to Mr. K. Goswami, learned Additional Senior Government Advocate, Assam by tomorrow, i.e., 24.02.2022, obtaining necessary acknowledgment from him in that regard.

Petitioner shall take steps for service of notice on the respondent No. 2 by registered post with A/D by tomorrow, i.e., 24.02.2022, providing its proper and correct address with requisite postal stamps.

Needless to say that forfeiture of the earnest money of Rs.11,47,000/- as well as the security deposit of Rs.29,46,988/-, in terms of the impugned order dated 21.12.2020, shall be subject to the outcome of this writ petition.

JUDGE

Comparing Assistant