

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 6278 of 2023

Sudhakar Pradhan

.....

Petitioner

Mr. A. Mishra, Advocate

Vs.

Bhubaneswar Development

.....

Opposite Parties

Authority, Bhubaneswar & Anr.

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE M.S. RAMAN

ORDER

13.03.2023

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. A. Mishra, learned counsel appearing for the petitioner.
3. The petitioner has filed this writ petition seeking to quash the order dated 18.04.2022 under Annexure-15 issued by opposite party no.1 forfeiting the EMD amount deposited by the petitioner as per Clause-8.7 of the brochure in compliance of the order dated 07.03.2022 passed by this Court in W.P.(C) No.10277 of 2021.
4. Mr. A. Mishra, learned counsel appearing for the petitioner contended that the petitioner was the second highest bidder, pursuant to the Tender Call Notice issued for sale of residential plot no.73 of area 3750 sqft. at Jayadev Vihar & Chandrasekharpur and he was called upon to deposit an amount

of Rs.5,00,000/-. Accordingly, the petitioner complied with the same and when he wanted to deposit the balance amount, he was intimated that in view of Clause-8.7 of the Broucher, the EMD amount deposited by him has been forfeited. It is further contended that while passing the order the petitioner was not given opportunity of being heard. Therefore, earlier the petitioner had approached this Court by filing W.P.(C) No.10277 of 2021. In view of such position, the impugned order dated 18.04.2022 under Annexure-15 cannot be sustained in the eye of law.

5. In the opinion of this Court, the matter requires consideration.

6. Issue notice to the opposite parties by speed post, requisites for which shall be filed within three days. Office shall send notice to the said opposite parties fixing a short returnable date.

(DR. B.R. SARANGI)
JUDGE

(M.S. RAMAN)
JUDGE