

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.25704 of 2023

ORDER:

1. The present petition is filed aggrieved by the action of the respondent in not releasing the refund of 2.5% of Earnest Money Deposit (EMD) and 7.5% of withheld amount totaling to Rs.2,92,609/-.

2. Learned counsel for the petitioner submits that the petitioner has entered into various agreements with the respondents vide Agreement Nos. 2901/2018-19, dated 01.09.2018, & 2227/2018-19, dated 20.07.2018, 964/2018-19, dated 02.05.2018 & 984/2018-19, dated 02.05.2018 for the works in Kurnool District and he completed the work as per the agreements. Execution of work was entered into measurement book prepared by the respondent authorities without noticing any defects. The amount for execution of work was paid to the petitioner, but the earnest money deposit and withheld amount 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 amount. As the respondents have failed to release the earnest money deposit and withheld amount, the petitioner is seeking a direction to the respondent authorities for release of earnest money deposit and withheld amount.

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

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

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 amount, 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 amount 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 amount of Rs.2,92,609/- 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

31.10.2023

LSP

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