

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.542 of 2023

M/S Sunil Kumar Banik, a Partnership Firm represented by its partner Sri Subarna Banik, S/O late Sunil Kumar Banik, 8, Ronaldsay Road, Battala, Agartala, West Tripura, Pin-799001.

..... *Petitioner(s)*

V E R S U S

1. Union of India represented by the Secretary to the Government of India, Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution Department of Food & PD Krishi Bhawan, New Delhi-110001.

2. Food Corporation of India, Divisional Office, Agartala, J.B. Road, West Tripura, Pin-799001, Government of India.

..... *Official Respondent(s)*

3. Sri Sudeb Das, Prop Office Kart of Shymali Bipani Bitan, Shymali Bazar, Agartala HO, P.O. Shymali Bazar, S.O., P.S. New Capital Complex, Agartala, West Tripura, Pin-799006.

..... *Private Respondent*

For Petitioner(s) : Mr. Paramartha Datta, Advocate.

For Respondent(s) : Mr. Bidyut Majumder, Dy.S.G.I.,
Mr. Biswanath Majumder, CGC.,
Mr. Ratan Datta, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE ARINDAM LODH

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20/09/2024

Heard Mr. Paramartha Datta, learned counsel for the petitioner.

Also heard Mr. Bidyut Majumder, learned D.S.G.I. appearing for Union of India and Mr. Ratan Datta, learned counsel appearing for respondent No.2.

The writ petition was preferred with the following prayer:

“(i) Issue rule asking the respondents to show cause as to why the selection of the bids of respondent no.3 should not be cancelled, as communicated by evaluation report dated 22-06-2023 (Annexure-7) as invalid tender document.

(ii) Call for the records of the respondent No. 2 to submit the certification documents of the respondent No. 3 as mentioned in the ATC and accordingly scrutinized the certificate that was submitted by the respondent No. 3 along with the Bid documents and to check whether the said certificates are valid certificates or not

(iii) Pass order directing the respondents to declare the bid of the petitioner as legal and valid, as the bid of the petitioner was submitted following the procedure of the official respondents.

(iv) In the mean time, pass appropriate Orders staying the process of tender and not to issue work order in favour of the respondent No.3 till disposal of the instant writ petition.

(v) Pass any other Order as may be considered proper for ends of justice.”

Counter affidavit has been filed by the respondent No.2 stating that the work order was issued on 6th July, 2023 for installation of work station and office furniture at new office building at Nandannagar vide NIT dated 12th June, 2023 issued on the Government E Market Place (GEM). The respondent No.3 has successfully executed the work and admissible dues to the tune of Rs.26,35,520/- have been paid to him on 27th February, 2024. Petitioner, however, did not fulfill the terms and conditions of the added bids specific additional terms and conditions (ATC) as on 2nd June, 2023. Therefore, he was not treated as the successful bidder.

However, learned counsel for the petitioner, on instructions, seeks permission to withdraw the present writ petition.

Learned counsels for the respondents do not object to the prayer.

Accordingly, the instant writ petition is dismissed as withdrawn.

(ARINDAM LODH) J

(APARESH KUMAR SINGH) CJ