

HIGH COURT OF TRIPURA

AGARTALA

Rev. Pet. No. 09 of 2015

Petitioner :

Pragati Self Help Group,

Represented by the authorized representative namely,
Sri Sankar Das, S/O. Lt. Sudhir Kumar Das,
Of P.O. Dewanopasha, Dharmanagar,
District : North Tripura.

By Advocate :

Mr. C. S. Sinha, Adv.

State-Respondents :

1. The State of Tripura

represented by the Secretary, Department of
Fisheries, New Capital Complex, PO : New Secretariat,
Pin-799010, Agartala, West Tripura.

2. The Director,

Department of Fisheries, Government of Tripura, PN
Complex, Gurkhabasti, P.O; Kunjaban, Pin : 799006,
Agartala, West Tripura.

Private-Respondents :

3. Sri Bijoy Kumar Das,

S/O. Not known, resident of Badharghat, Sri Pally,
P.O. Dukli, Agartala, District: West Tripura,

4. M/s. Prasanta Dey,

Bhattachapur, Agartala, Tripura West, P.O: A.D. Nagar,
Pin: 799003.

**5. Tripura Apex Fishery Co-Operative
Society Ltd.**

Represented by its Executive Officer, College Tilla,
Agartala, Tripura West, Pin: 799004.

6. M/S. Tripura Cattle Feeds,

Represented by its proprietor Sri Goutam Chowdhury,
Chowmuhani Bazar, Sekerkote, West Tripura, Office at
Ramnagar Road No.5, Agartala, Tripura West, Pin:
799002.

7. S.B. Marketing Co.

A.A. Road, Mathchowmuhani, P.O. Dhaleswar, West
Tripura, Pin: 799007.

By Advocate :

None.

B E F O R E
THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA
THE HON'BLE MR. JUSTICE S. TALAPATRA

Date of hearing &
Judgment & Order : **27th April, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

(DEEPAK GUPTA, CJ)

By means of this review petition, the petitioner seeks review of the judgment dated 13th January, 2015 passed by this Court in W.P(C) No. 433 of 2015.

[2] The petitioner had submitted a tender and his tender was rejected on the ground that the petitioner had not submitted bank draft payable at SBI, TLA House Branch, Agartala.

[3] We had purposely not decided the question whether this is a fundamental breach or not, but we had clearly held that even it was not a case of fundamental breach only the authority inviting the tenders can waive the conditions.

[4] By means of this review petition fresh material is sought to be placed on record that on an earlier occasion the petitioner had submitted a similar bank draft drawn on the Tripura Gramin Bank and that time his tender was not rejected. The fact that a mistake was committed once by the department does not mean that it always has to commit the same mistake. We, however would like to make it clear that the department will have to apply only one yardstick and it cannot at its whims and fancy decide to accept

the tender when there is breach of a tender condition on certain occasions and rejected on some other occasions.

[5] Therefore, in future whenever the tender is not in accordance with tender conditions the same will have to be rejected. The Department cannot follow the policy of pick and choose.

[6] Therefore, though the petition is rejected, we make it clear that the department must follow a uniform policy.

[7] The Review petition is disposed of in the aforesaid terms. No costs.

JUDGE

CHIEF JUSTICE