

THE HIGH COURT OF TRIPURA
A G A R T A L A

W.P(C) No. 383 of 2015

Petitioner :

Sri Pranay Goswami,
Proprietor of M/s. Pranay Goswami
Son of Late Nani Gopal Goswami of
Milan Chakra, Sree Nagar, By Lane-4/A
P.O-A. D. Nagar, P.S- A. D. Nagar,
Pin-799003, Agartala, Dist.- West Tripura.

Official Address:

M/s. Pranay Goswami,
Santosh Market, 2nd Floor, 37, Akhaura Road,
Near Old RMS Chowmuhani,
Agartala, West Tripura, Pin-799001.

By Advocates :

Mr. P. Roy Barman, Adv.
Mr. S. Bhattacharji, Adv.

Respondents :

- 1. Bharat Sanchar Nigam Limited,**
(To be represented by the Chairman, BSNL) A Govt. of
India Enterprise, New Delhi-110001.
- 2. The General Manager Telecom District,**
Bharat Sanchar Nigam Limited, Tripura SSA, Door
Sanchar Bhavan, Kaman Chowmuhani, Agartala, P.O-
Agartala, Agartala, West Tripura, Pin-799001.
- 3. The Asst. General Manager (P & A),**
O/O- the General Manager, Bharat Sanchar Nigam
Limited, Door Sanchar Bhavan, Kaman Chowmuhani,
Agartala, P.O-Agartala, Agartala, West Tripura, Pin-
799001.
- 4. Sri Nilkanta Sinha,**
S/o. Unknown.
Proprietor of M/s. Visual Securas and Infotech Limited,
Abhoynagar, P.O-Abhoynagar, P.S-East Agartala,
Agartala, West Tripura.

By Advocate :

Mr. A. Roy Barman, CGC.

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

Date of hearing &
Judgment & Order : **22nd September, 2015.**

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, C.J.)

By means of this writ petition the petitioner has challenged the award of tender in favour of respondent No.4.

[2] The main ground of challenge is that as per the Notice Inviting Tender the Financial Bid was to be in a particular form.

[3] The case of the petitioner is that the respondent No.4 did not give any percentage but only give the figures. It is contended that since in the tender of the respondent No.4 the amount of administrative charges was only quoted in figures and words without giving percentage, the tender of respondent No.4 is informal.

[4] The Financial Bid had to be submitted in a form and the Financial Bid of the petitioner as well as private respondent are as follows:

Name of work: Supplying manpower for Job contract for Day to day mtce. Work of BSNL Tripura SSA Agartala <u>(Petitioner's Bid)</u>	Minimum wages to be paid to the Unskilled labour/Per day per labour	EPF Contribution of contractor 13.61% of (a)	ESI 4.75% on (a)	Administrative & other charges % of (a) to be quoted in figure & words	Service tax 12.36% or applicable on
	(a)	(b)	(c)	(d)	(a+b+c+d)
	Rs.222/- (Rupees two hundred twenty two only)	Rs.30.2/- (Rupees thirty and paise twenty only)	Rs.10.6/- (Rupees ten and paise sixty only)	4.14% (Four Point One Four) Percent Rs.9.19/- (Rupees Nine and Paise Ninety Nine only)	Rs. 271.99
Name of work: Supplying manpower for Job contract for Day to day mtce. Work of BSNL Tripura SSA Agartala <u>(Private Respondent No. 4's Bid)</u>	Minimum wages to be paid to the Unskilled labour/Per day per labour	EPF Contribution of contractor 13.61% of (a)	ESI 4.75% on (a)	Administrative & other charges % of (a) to be quoted in figure & words	Service tax 12.36% or applicable on
	(a)	(b)	(c)	(d)	(a+b+c+d)
	Rs.222/- (Rupees two hundred twenty two only)	Rs.30.2/- (Rupees thirty and paise twenty only)	Rs.10.6/- (Rupees ten and paise sixty only)	Rs. 8.88/- (Rupees Eight and Paise Eighty Eight Only) 4% (Four) Percent	Rs. 271.68 (Rupees two hundred Seventy one and Paise Sixty Eight)

[5] The only grievance is that whereas the petitioner has given the administrative and other charges as a percentage of the amount of Rs.222/-, the respondent No.4 has not given the percentage but has worked out a figure of rupees 8.88 paisa. Actually 8.88 paisa works out to exactly 4% of Rs.222/-. The total figure has been given in the last column and the bid of the petitioner was 271.99 whereas the bid of the successful private respondent was Rs.271.68.

[6] When administrative charges have to be quoted in figures and words it could be done both by way of percentage and by way of exactly giving the amount payable. Even if there is any defect that is not such a defect which goes to the root of the matter.

[7] We are concerned with public funds and when the tender of the private respondent is otherwise complete in all respects and he has entered all the details with regard to the tender, even if it be accepted for the sake of arguments that percentage should also have been given we are clearly of the view that this is not such a defect which could not have been waived by the Department.

[8] The Department has awarded the contract to the lowest tenderer and we see nothing wrong with that. We, therefore, find no merit in the petition which is accordingly dismissed.

No order as to costs.

JUDGE

CHIEF JUSTICE