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SB

05.10.2020
Ct. No. 24

**W.P.A. 6921 of 2020
with
C.A.N. 1 of 2020
(Through Video Conference)**

**Sambhu Nath Sarkar
Vs
The State of West Bengal & Ors.**

Mr. Pradip Kumar Roy
Mr. Joydeep Roy
Ms. Aparna Roy ...For the Petitioner

Mr. Jishnu Chowdhury
Mr. Samim-ul-Bari For the State

The petitioner participated in an e-tender process which was floated by the Office of the District Magistrate and Collector, District ICDS Cell, Murshidabad.

The bid of the petitioner was rejected at the technical stage and he was intimated about his rejection on 17th January, 2020. Being aggrieved by the said rejection the petitioner raised an objection before the District Magistrate, Murshidabad by a letter dated 21st January, 2020.

As the grievance of the petitioner was not redressed, the petitioner filed a writ petition before this Court being W.P. No. 3149(W) of 2020. The

petitioner has averred in paragraph 28 of this writ petition that as there were several mistakes in facts and due to non-furnishing of the relevant documents, the petitioner has instructed his learned advocate on record not to proceed any further with the aforesaid writ petition and to withdraw the same. In view of the Covid-19 pandemic situation the formal withdrawal of the writ petition could not be made.

The petitioner filed the instant writ petition in August 2020 and renews his prayer for consideration of his representation made on 21st January 2020.

Learned advocate appearing on behalf of the respondent authorities, on instructions, submits that the e-tender was floated for carrying-cum-storing contractor for different ICDS projects in the Murshidabad district. The documents which were submitted by the petitioner at the time of filing of e-tender was not for the similar nature of work i.e. for carrying and storing as was clearly mentioned in e-Tender Notice No. 03/NT/2019– 20. The documents submitted by the petitioner were also not related to the last three years but were for the period of 2004 to 2015.

As per the decision of the District Level Tender Committee the tender application of the petitioner was summarily rejected in the technical bid and

accordingly the petitioner failed to qualify in the financial bid. The petitioner also did not submit the complete documents i.e. the godown specification for Berhampore (U) ICDS projects and the same has been falsely claimed by the petitioner.

After hearing the submissions made on behalf of both the parties, it appears that the decision to reject the bid of the petitioner was intimated to him as far back as on 17th January 2020. Though it appears that the petitioner raised his objection on 21st January 2020 but thereafter he was not diligent enough to follow up his objection. The writ petition filed by the petitioner was also defective and accordingly he instructed his learned advocate on record to withdraw the same.

The instructions given by the office of the District Magistrate, Murshidabad, District ICDS Cell clearly gives the reason for rejection of the bid of the petitioner. It is not open for the writ court to enter into the same and decide the objections raised by the petitioner in a tender matter. Moreover, a considerable period of time has elapsed from the date of rejection of the tender application and filing of the present writ petition. A tender process which appears to have been finalized ought not to be disturbed at this stage. Accordingly, no relief can be granted to the petitioner

in the instant case.

The writ petition along with connected application is dismissed.

The instruction given to the learned advocate for the State respondent by the District ICDS Cell is retained with the records.

In view of the averments made by the petitioner in paragraph 28 of the writ petition no useful purpose will be served by keeping the previous writ petition filed by the petitioner pending. Accordingly WP No. 3149 (W) of 2020 stands dismissed as withdrawn.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all necessary formalities.

(Amrita Sinha, J.)