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23-09-2020
Court No. 5
ssi

**WPA 6975 of 2020
With
IA No: CAN 1 of 2020**

**Environmental Engineering Services
-Vs-
State of West Bengal & ors.**

(via video conference)

Mr. Souradipta Banerjee
Mr. Subhojit Mullick
.....for the petitioner
Mr. Satyajit Talukdar
.....for the KMDA

The allegation of the petitioner in this writ application is that though he is an eligible contractor to do the work, respondent no.7 has been allotted the work most illegally. The allegation is that the KMDA which is the Public Authority has allotted the work to a contractor who was born after the first call of the contract which was cancelled and the allegation is that to accommodate the respondent no.7 after cancellation the first call, the second call was given.

It is also the allegation of the petitioner that the respondent no.7 who has been allotted the job does not even have the requisite qualification for getting the job.

Learned advocate for the KMDA has opposed all the allegations made against the first client. Since no

affidavit has been called for all allegations made in the writ application are deemed to have been denied.

I hold that though KMDA is a State Authority within the meaning of Article 12 following the principles laid down by Hon'ble Supreme Court in State of UP & Ors. –vs- Bridge and Roof Company Ltd. reported in (1996) 6 SCC 22 (Paragraph 16) I hold that the relationship that might have been occurred between the petitioner and the respondent- KMDA and the allegation presently made by the writ petitioner has not in the realm of public law and it is wholly a matter in the realm of private law. The contract was also not a statutory contract. Any such contractual dispute of granting a job to a selected tenderer and not granting a job to the complainant tenderer is a matter within the provision of the Contract Act and hence this Court is not inclined to entertain this application. However, the petitioner can take shelter of law before the appropriate Civil Court.

The matter is dismissed.

(Abhijit Gangopadhyay, J.)