

5th March,
2021
(AK)
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W.P.A. 852 of 2021

M/s. Sheela Enterprises
Vs.
The Damodar Valley Corporation & Ors.

Mr. Pratiti Das
...For the Petitioner.

Mr. Pradip Kumar Tarafder
Mr. Subir Pal
...For the D.V.C.

The petitioner's primary grievance is that the petitioner's bid was refused on the ground of contravention of one of the qualifying requirements of the concerned notice inviting tender which defines "*similar works*" as the work of picking/removal of stones/ foreign materials from running conveyor belts of coal handling plants in any Government/PSU/private organization.

Learned counsel appearing for the petitioner argues that similar contracts issued by other public authorities contain a clause regarding transport of materials and, as such, it is not possible for the petitioner to obtain a certificate specifically regarding removal of stones.

It is further submitted that such sort of certificates are not issued by the public authorities.

Learned counsel for the respondent authorities submits that the tender process is already complete and the work order has been issued.

It is evident from the pleadings and the materials annexed with the writ petition that there is no patent arbitrariness and/or mala fide or any clear attempt on the part of the tender issuing authorities to favour a particular person or a cartel.

The mere inconvenience of a particular bidder cannot be an impediment to a tender process, since it is obvious that some other bidder has already qualified in the tender process and has been issued work order.

In such view of the matter, there is no scope for interference in the present writ petition.

Accordingly, W.P.A. 852 of 2021 is dismissed without any order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)