

Item No.118

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

23.02.2021
Ct-24

W.P.A.2495 of 2021
Ashis Chandra Ghosh & Anr.
v
The State of West Bengal & Ors.

Mr. Sukanta Chakraborty
... for the petitioners.

Ms. Sutapa Sanyal
Mr. Anand Farmania
... for the State of West Bengal.

The petitioner is aggrieved by the way in which the Pradhan of the Parsundi Gram Panchayat proceed with the tender being NIT 02/PGP/2021, NIT 03/PGP/2021 and NIT 04/PGP/2021 all dated January 4, 2021.

According to the notice inviting tender the date of application of the tender papers was till January 13, 2021 within 3 p.m. The Prodhan of the Parsundi Gram Panchayat published a notice dated January 13, 2021 that the applications will not be accepted on January 13, 2021 and the next date for acceptance of the applications will be intimated later on.

The petitioner submits that as the estimated amount of the tender exceeds Rs. 5 lakh, accordingly e-

tender ought to have been conducted by the respondent authorities.

It is the specific case of the petitioner that the respondent authorities adopted pick and choose method to select bidders from the persons of his choice. The petitioner filed a representation before the Block Development Officer on January 18, 2021 objecting to the alleged illegal activity of the Prodhan.

The learned advocate representing the State respondents submits, upon instructions, that the notice inviting tender clearly mention the last date of submitting applications, i.e. January 13, 2021. Due to some unavoidable circumstances, the applications could not be accepted on January 13, 2021 and a notice was published in the office notice board. The Gram Panchayat again published a notice in the office notice board on January 14, 2021 clearly mentioning that the tender application receiving process will resume on January 15, 2021 from 11 a.m. to 3 p.m. The NIT was published in the Gram Panchayat notice board and the daily newspaper namely, "Ganashakti" on January 8, 2021 for information of the public.

It has been submitted that the nature of the work for which the tender was invited clearly mentions that the work ought to be completed within 30 days/45 days.

The bids have already been opened, the work order issued and the work has already been completed.

With regard to the submission that e-tender has to be published as the estimated tender amount exceeded Rs. 5 lakh attention has been drawn to clause 9 of the notice inviting tender which clearly mention that bid must be submitted in a sealed envelope clearly mentioning serial number and name of work on top of the envelope. It appears that the estimated amount of the individual works is far less than rupees two lakh. Accordingly, the contention of the petitioner that e-tender has to be published cannot be accepted by the Court.

No relief can be given to the petitioner in this writ petition and the writ petition being WPA 2495 of 2021 is dismissed.

The instruction given by the Block Development Officer, Khayrasole Block to the learned advocate for the State respondents is retained with the records.

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

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(**Amrita Sinha, J.**)