

AD. 17.
March 12, 2021.
MNS.

W. P. A. 4905 of 2021
(Via video conference)

Sri Susanta Sarkar
Vs.
The State of West Bengal and others

Mr. B. B. Sarkar,
Ms. Iti Dutta,
Ms. Priti Jain,
Mr. Pratit Sarkar

... for the petitioner.

Mr. Samrat Sen,
Ms. Amrita Panja Moulick,
Mr. Amitava Maitra

...for the respondent-authorities.

Affidavit-of-service as well as
supplementary affidavit to the writ petition filed by
the petitioner in Court today be taken on record.

Despite service, none appears on behalf of
the private respondent.

The limited grievance of the petitioner is
that the concerned work order, pursuant to a
tender where the petitioner was held eligible in
the technical bid, was vitiated by issuance of the
work order to the successful bidder, despite the
latter having submitted manufactured documents.

Learned counsel for the petitioner submits
that the petitioner duly complained to the tender

issuing authority regarding such alleged fraud committed by the successful bidder. However, no action has been taken thereon by the concerned authorities.

Learned senior counsel appearing for the respondent-authorities submits that there was minimal time gap between the complaint being lodged by the petitioner and before the filing of the writ petition. In such circumstances, the respondent-authorities were not able to decide on such complaint, more so due to the pendency of the writ petition before this Court.

It would suffice, in such circumstances, if the respondent no. 4 is directed to decide on the complaint of the petitioner, as annexed in the writ petition, as expeditiously as possible.

Accordingly, W. P. A. 4905 of 2021 is disposed of by directing respondent no. 4 to decide on the complaint lodged by the petitioner regarding the veracity of credentials of the successful bidder within a fortnight from date. The respondent no. 4 shall give opportunity of representation/hearing to the affected parties, including the petitioner and the successful bidder, before coming to a conclusion on such complaint, at the earliest. After taking a decision on the

matter, the respondent no. 4 shall communicate such decision to the petitioner, as well as the successful bidder.

It is made clear that the merits of the petitioner's complaint have not been gone into by this Court and the respondent no. 4 shall decide on the same, as directed above, on its own merits and in accordance with law, without being prejudiced by any of the observations made in the writ petition.

There will be no order as to costs.

The respondents are directed to act on the communication of the learned advocates for the parties and/or server copies of the order without insisting upon prior production of certified copy of this order.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)