

Court No. 24

18.03.2021

(Item No. 129)

(AB)

W.P.A 5204 of 2021

Israil Sekh

vs

The State of West Bengal & Ors.

Md. Ashraful Huq

Md. Sarwar Jahan

Mr. Debanshu Ghorai

..... for the petitioner

Mr. Sudipto Panda

Ms. Munmun Tewary

..... for the State

Affidavit of service filed in Court is taken on record.

The petitioner participated in a tender process and was successful. A formal letter of acceptance was issued in his favour by the Pradhan of the Khidirpur Gram Panchayat on 14th October, 2020 and 13th November, 2020. The petitioner was requested to execute a formal contract with the Pradhan on non-judicial stamp paper and deposit 10% additional security money on the awarded cost within a specified period, failing which the tender shall automatically stand rejected and the earnest money shall be forfeited.

The petitioner submits that within the time limit as specified in the letter of acceptance he submitted 10% additional security money on the awarded cost but the work orders have not been issued in his favour till date.

The petitioner refers to a communication dated 14.01.2021 issued by the Pradhan of the Gram Panchayat in his favour whereby he was directed to produce the original copy of the documents tendered by him. The petitioner submits that he produced all the necessary documents, in original, before the Pradhan on the scheduled date and time.

The petitioner made representation before the Block Development Officer, Hariharpara, Murshidabad on 2nd February, 2021 requesting issuance of the work orders in his favour.

Since none appears on behalf of the Panchayat accordingly the Court is not in a position to decide the issue.

As it appears that the representation of the petitioner requesting issuance of the work orders is pending consideration at the end of the respondent authority, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Khidirpur Gram Panchayat and the Pradhan, Khidirpur Gram Panchayat being the respondent Nos. 6 and 7 herein to take necessary consequential steps pursuant to the tender acceptance letter issued in favour of the petitioner on 14.10.2020 and 13.11.2020 and dispose of the representation made by the petitioner, strictly in

accordance with law, after giving an opportunity of hearing to the petitioner, at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

In the event the aforesaid respondents are of the opinion that the petitioner will be entitled to the work orders then the same shall be issued in his favour at the earliest. If the respondents are of the considered opinion that the petitioner is not entitled to be issued the work orders, then the reasons for non-issuance of the work orders in his favour in spite of accepting him as the lowest tenderer shall be communicated to the petitioner immediately.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondents at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated 02.02.2021 to the aforesaid respondents at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)