

03
10.06.2021
sb
Ct23

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4070 of 2020

With
CAN 1 of 2020
(Via Video Conference)

Narayan Kumar Saha
Vs.
The State of West Bengal & Ors.

Mr. Avishek Prasad
... For the petitioner.

Mrs. Chama Mukherjee,
Mrs. Paramita Pal
.. For the State.

Affidavit of service filed in Court today is taken on record. It appears from the affidavit of service that the private respondent (respondent no.5) has been informed that the matter will appear in the list on 11th June, 2021. However, in view of the order I propose to pass after hearing the parties and considering the materials on record, I intend to take up the matter in the absence of the private respondent.

The petitioner says that the petitioner is a successful bidder in a tender published by the respondent no.4 in respect of three items mentioned therein. By a letter dated 8th March, 2017, the petitioner was communicated about its selection. The petitioner says that the respondent authorities have failed to provide the materials under the said tender mentioned in serial no.1,

2 and 3 of the letter dated 8th March, 2017. The petitioner has made several representations and wants his representation dated 22nd October, 2019 be considered and disposed of by a reasoned order after affording the petitioner an opportunity of hearing. The said representation is addressed to 4 persons but the petitioner says that the addressee no.3, being the respondent no.3, in the writ petition, should consider the same.

On behalf of the State respondents, it is submitted that the last date for removing the materials by the petitioner is long over. The petitioner was offered the materials but he failed to lift the same. That apart, there is a subsequent criminal complaint as against the petitioner for misappropriating Government materials against which an FIR has been registered.

Be that as it may, since the petitioner was a successful tenderer, the representation made by the petitioner on 22nd October, 2019 should be brought to a logical conclusion. The respondent no.3 being the District Magistrate is directed to dispose of said representation dated 22nd October, 2019 made by the petitioner appearing at pages 58 to 64 of the writ petition within a period of four months from date after affording the parties a reasonable opportunity to represent their respective cases. The District Magistrate shall pass a reasoned order and shall communicate the same to the parties involved

within seven days from the date of passing of the said order.

It is made clear that this Court has not gone into the merits of the matter and the District Magistrate (respondent no.3) shall be free to decide the matter without being any way influenced by this order.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of along with the connected application, being CAN 1 of 2020 without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the requisite formalities.

(Arindam Mukherjee, J.)