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18.03.2021.
d.p.

**W.P.A 7010 of 2021
(Via Video Conference)**

**Md. Sahajan Ali & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Dipankar Pal.
...For the Petitioners.**

**Mr. Amarendra Chakraborty.
...For the Respondent
No. 6.**

**Ms. Sutapa Sanyal,
Ms. Rajlakshmi Ghatak.
...For the State.**

The petitioners complain that proper procedure was not followed by the Kaliachak-II Gram Panchayat at the time of publication of the Notice Inviting Tender for works contract being N.I.T. No.09/KCK-IIGP/2020-21 dated 29th January, 2021 and N.I.T. No.10/KCK-IIGP/2020-21 dated 2nd February, 2021.

According to the petitioners, E-tender ought to have been published by the Gram Panchayat as the amount of tender exceeds Rs.5 lakh.

It is the further case of the petitioners that there was no proper circulation of the said tender in the Newspaper.

The petitioners further complain that they appeared in the office of the Gram Panchayat for procurement of the tender form but the tender form was not issued by the Gram Panchayat in favour of the

petitioners. Accordingly, they were restrained from participating in the tender process.

The learned advocate appearing for the Gram Panchayat submits, upon instructions, that there had been proper circulation of the tender notice in the Newspaper.

A photocopy of the tender notice published in the Newspaper Puber Kalam dated 9th February, 2021 has been handed over in Court wherefrom it appears that the tender notice was duly published under the signature of the Pradhan of the Gram Panchayat.

As regards the allegations of not publishing E-tender as the amount of work exceeds Rs. 5 lakh, it is seen that there were several items of work put to tender. None of the items exceeded the estimated amount of Rs. 5 lakh for the purpose of publication of E-tender notice. All the works were below the limit of Rs.5 lakh and accordingly, it was not necessary for publication of E-tender notice.

As regards the allegations that the E-tender form was not supplied to the petitioners the learned advocate appearing for the Panchayat has produced documents to show that the petitioners approached the Pradhan for issuance of tender form on 12th February, 2021.

All the petitioners were personally present in the office of the Gram Panchayat but the tender form was not issued in favour of the petitioners as because they did not fulfil the terms and conditions as mentioned in the Notice Inviting Tender.

It appears from the Notice Inviting Tender that the bidder should submit separate applications for each work along with attested copies of various documents which included the PAN Card, GST Registration Certificate, Last GST Return, Last three Financial Years Income Tax Returns, Turnover of the last three years Professional Tax, Registration Certificate with current challan etc.

As the petitioners did not have the necessary documents with them, accordingly, the Pradhan refused to issue the tender form in their favour. The Pradhan has mentioned the reasons for not issuing the tender form in favour of the petitioners in each and every application that was submitted by the petitioners and a copy of the same has been handed over in Court.

It appears from the remarks indicated by the Pradhan in the body of the application filed by the petitioner for obtaining the tender form that the necessary documents which were required to be filed by the bidders were not available with the petitioners and accordingly, their prayer for issuance of tender form has been refused.

The Court does not find any infirmity on the part of the Panchayat in not issuing the tender form to the petitioners.

The instant writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)