

WPA 9844 of 2021
(B. S. Enterprise & Ors. Vs. State of West
Bengal & Ors.)

(via Video Conference)

Mr. Dipankar Pal
Mr. Dipjyoti Chakraborty
.....**For the petitioners**

Mr. Amit Kumar Nag
.....**For the respondent nos. 4 & 5**

The petitioners are before the Court complaining of the actions taken by the oil company with regard to a tender.

Learned advocate appearing for the petitioners submits that, the petitioners participated in the tender floated by the oil company. The petitioners were successful. The oil company issued a letter of acceptance dated March 3, 2021. Under the letter of acceptance, the petitioners were required to produce a specified number of vehicles at the specified location for the oil company to take inspection thereof and to satisfy themselves that the vehicles were in order. He submits that, the petitioners attempted to produce the vehicles for inspection with the oil company when, by reason of the miscreants outside the specified place, the petitioners were prevented from producing the vehicles. He submits that, the petitioners complained about such illegal activities to the police authorities. The police authorities did not take any steps. He submits that, the petitioners informed the oil company

of the debacle. The oil company, however, did not pay any heed thereof.

The oil company is represented.

Learned advocate appearing for the oil company submits that, the petitioners were afforded two opportunities to produce the vehicles for inspection. The petitioners failed to produce the vehicles on both the dates.

It appears from the records that, the attempt of the petitioners to produce the vehicles for inspection, was thwarted by reason of the activities miscreants outside the gates of the oil company. The petitioners complained to the police. Apparently, the police did not intervene.

In the facts of the present case, since the oil company is yet to take a decision on the award of the contract, it would be appropriate to grant the petitioners one more opportunity to comply with the terms and conditions of the tender and the letter of acceptance, that is to say that, the petitioners are afforded one more opportunity to produce the requisite number of vehicles at the specified spot for the inspection of the oil company.

The oil company will fix a date for inspection of the vehicles and the spot for inspection. The oil company will intimate the date of inspection and the spot for inspection of the same to the petitioners. Oil company in addition to the intimation to the petitioners will intimate the advocate-on-record of the petitioners at the electronic mail address

of the petitioners provided in the writ petition. Intimation to the learned advocate for the petitioners in such electronic mail will be construed as sufficient service of the notice by the oil company upon the petitioners. It is expected that the oil company allows a notice of at least 48 hours to the petitioners to produce the vehicles.

Apparently, the oil company requires inspection of the specified vehicles at the place within the jurisdiction of Kanksa Police Station.

Kanksa Police Station is under the jurisdiction of the Commissioner of Police, Assansol, Durgapur Police Commissionerate.

The Officer-in-Charge of the Kanksa Police Station is requested to make necessary police arrangements at the locale to ensure that no breach of peace occurs when the petitioners produce the vehicles for inspection by the oil company at the designated place of the oil company.

Since affidavits are not invited, allegations made in the writ petition are deemed to be denied by the respondents.

WPA 9844 of 2021 is disposed of accordingly.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Debangsu Basak, J.)