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rkd Ct.13

W.P.A. 12144 of 2021

**Hi -Speed Logistice Private Limited
-vs-
Food Corporation of India & Ors.**

Mr. Dinabandhu Chowdhury,
Mr. Tanmoy mukherjee,
Mr. Iresh Paul

....for the petitioner.

Mr. Kamal Kumr Chattopadhyay

....for the FCI.

The petitioner responded to the notice inviting tender dated 17th May, 2020 for the purpose of Loading Unloading Handling and Transport from NCB Railway Siding to Coochbehar Depot, issued by the Food Corporation of India. The writ petitioner's technical bid was disqualified for want of experience documents, on 16th July, 2021 at 4.48 P.M. The same was uploaded in the concerned where the tendering process was going on.

Counsel of the petitioner would argue that he had met all tender conditions in so far as the qualification. It is submitted that the petitioner was required to show experience of having executed similar work for five years prior to the date of tender.

Such experience would have be of at least 25% of the value of the NIT in a single contract or

50% of the value of the NIT is more than one contract. The petitioner was also required to submit P & L accounts and audited balance sheets for three years immediately preceding the NIT. If the last balance sheet was not filed the accounts for three previous years was to be filed.

He would be required to submit profit and loss account and the balance sheet of the said account. The petitioner's technical bid was rejected on the ground that he has not fulfilled the eligibility criteria of experience as he had not submitted P & L and balance sheet as per the NIT.

The petitioner would argue that he had not submitted profit and loss account for the year 2021 since in view of the pandemic Central Government had extended the time to file income tax returns for the month of October 31, 2021 and did not have the same.

The rejection of technical bid, according to the petitioner, was incorrect.

Counsel of the FCI submits that in terms of the Clause XVIII(c) of the MTF, the petitioner was required to raise a grievance against rejection of technical bid before the General Manager of the Region within three working days of the date of disqualification. Not having raised any such

dispute, the petitioner is not entitled to maintain its writ application. Counsel of the petitioner argues that he has submitted the grievance to the General Manager on 22nd July, 2021 within three working days in view of the fact that the 17th and 18th of July were Saturday and Sunday and the next day was also a holiday in view of a religious festival.

This Court notes that the petitioner has relied upon technicalities. The petitioner, if aggrieved by the rejection of his technical bid communicated by email, could have on the same day or immediately thereafter raised his grievance by e-mail. The attempt of the petitioner to take advantage of technicalities at this stage would highly be improper.

The only bidder which succeeded at the technical stage has not been impleaded as a party respondent and orders have been sought to be obtained behind his back. The grounds urged by the petitioner are not supported by the records produced.

In that view of the matter no relief can be granted to the petitioner.

Hence, W.P.A. No.12144 of 2021 is dismissed.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)