

16-08-2021
ct no. 13
Sl.67
sp

WPA 12455 of 2021

Manjur Middya

-Versus-

Moulana Abul Kalam Azad University of Technology,
W.B. & Ors.

(Via Video Conference)

Ms. Susmita Shaw,
Mr. Deb Kumar Deashi

...for the petitioner

Mr. Tapan Kr. Mukherjee,
Ms. Sangeeta Roy,
Ms. Saheli Mukherjee

...for the State

Mr. Suranjan Dasgupta,
Mr. Avijit Chakraborty

....for the respondent nos. 1 and 2

The writ petitioner is aggrieved by the rejection of his bid for civil construction by the Respondent No.1, Moulana Abul Kalam Azad University of Technology.

The writ petitioner submitted a bid pursuant to Notice Inviting Tender (NIT) dated February 9, 2021. When all bids were opened, the petitioner was found to be the lowest amongst the four successful bidders.

By a communication dated June 15, 2021, the University having detected certain omissions on the part of the petitioner in submission of the tender documents, cancelled the petitioner's bid and disqualified him. Forfeiture of earnest money has also been indicated.

The petitioner replied to the said notice, by communication dated July 7, 2021 and attempted to clarify the discrepancies. Admittedly, the petitioner did not submit a labour licence and/or electrical licence. Insofar as the labour licence is concerned, the learned counsel for the petitioner argued that according to the rules of the West Bengal Contract Labour (Regulation and Abolition) Rules of 1972, it is only upon receipt of the work order that a contract labour licence is issued.

As for the electrical licence, the petitioner has replied that he has employed a person who already has an electrical licence and hence, he complied with all the terms and conditions of the tender.

This Court notes that the petitioner has admitted that a labour licence and electrical licence are an integral part of the bid requirements by reason of a letter dated July 7, 2021.

The petitioner appears to have planned to procure contract labour and electrical license only if he received a work order. The petitioner appears to be a speculator and was stealing a march over the other bidders. The other tenderers admittedly have produced documents and the petitioner could not produce.

No interference is called for in the instant writ application. The respondents cannot be faulted for rejecting the petitioner's offer.

Hence, the writ petition must fail and is hereby dismissed.

The earnest money put in by the petitioner, shall be returned to him after deducting a sum of Rs. 51,000/-, towards the processing fee and costs of the instant litigation.

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.)