

12.8.2021

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W.P.A. 12639 of 2021

(Via Video Conference)

Domkal Thana Ferry Patuny Samabay Samity Limited
Versus
State of West Bengal and others

Mr. Partha Sarathi Bhattacharyya

Mr. Shahan Shah

... for the petitioner

Md. Sarwar Jahan

..for the respondents 4&5

Mr. Lalit Mohan Mahata

Mr. Swapan Kr. Paul

..for the State

The dispute is with regard to settlement of ferry ghat by way of auction.

It is submitted by Mr. Bhattacharyya, learned advocate for the petitioner that the tender notice dated August 2, 2021 suffers from irregularities. First, E-tender was not called, next the procedure for dropping the papers in a box outside the office of the Panchayat Samity was not indicated in the Notice Inviting Tender, thirdly the rules with regard to publication of the tender notice as per the West Bengal Panchayat (Zilla Parishad and Panchayat Samity) Accounts & Finance Rules, 2003 have not been done. It is further alleged that the method, time and place of opening the bid document has not been mentioned in the notice inviting tender.

Mr. Jahan, learned advocate for the Domkal Panchayat Samity submits that as the financial

involvement in the said tender process was below five lakhs, the rules did not require holding an E-auction. The Notice Inviting Tender was published in the local newspapers and also displayed in the office of the panchayat samity. The next point raised by Mr. Jahan is that all relevant information has been made available by the samity.

Mr. Mahata, learned advocate for the State respondents submits that the petitioner has been engaged in a protracted litigation over such auction by filing writ petitions one after another.

Mr. Bhattacharyya, learned advocate appearing for the petitioner submits that the challenge to the Notice Inviting Tender which is the subject matter in this writ petition has never been made before this Court on any previous occasion.

As the petitioner has not been prevented from participating, it will be open for the petitioner to participate in the tender process in accordance with the notice inviting Tender. The bid documents of the petitioner shall be considered along with those submitted by other willing tenderers and the decision shall be taken in accordance with the Notice Inviting Tender and the relevant rules. This court has not decided the eligibility of the petitioner to be given the settlement of the ferry ghat.

This writ petition is disposed of.

The entire process shall be completed in accordance with law by the authority concerned.

There will be however, no order as to costs.

Parties to act on the server copy of this order.

(Shampa Sarkar, J.)