

S/L. 17
16.09.2021
Court. No. 19
sn

WPA 13541 of 2021

PROYJON ENTERPRISE & ANR. VS. THE STATE OF WEST
BENGAL & ORS.

(Through Video Conference)

Mr. Debashis Saha
Mr. Moniruzzaman
Ms. Namrata Chatterjee ...for the Petitioners

Mr. Pantu Deb Roy
Mr. Anand Farmania ...for the State.

The petitioner No.1 company is the unsuccessful tenderer. It is alleged that the financial solvency of the successful tenderer, that is, the respondent no.6 was based on a forged certificate not issued by the Bank of India, Salar branch.

It is submitted that the certificate dated November 11, 2020 allegedly issued by the Branch Manager, Bank of India, Salar Branch, Murshidabad (at page 33 of the writ petition) was manufactured.

Mr. Pantu Deb Roy, learned Additional Government Pleader, appearing on behalf of the State respondents, submits that the tender was opened sometime in January, 2021 and the writ petition was filed as an afterthought, after expiry of 9 months from the completion of the tender process. That the allegations are false and baseless. This Court is of the view that a public project cannot be stalled

unless there is illegality and/or mala fide on the part of the authorities in issuing the tender notice and the work order.

In this case, no such allegation has been made against the tender issuing authority. The allegation is that the financial solvency certificate has been forged and the Branch Manager, Bank of India, Salar Branch, Murshidabad did not issue the said document. Although the Bank has been served with a copy of the writ petition, none appears on behalf of the bank. The petitioner has also not obtained any communication from the bank in this regard.

This Court is of the opinion that the tender issuing authority and/or the Additional executive Officer, Murshidabad Zilla Parishad should dispose of the complaint of the petitioners dated May 11, 2021 with regard to the allegations of fake bank certificate produced by the respondent no. 6 before the authorities in order to participate in the tender process. The said representation shall be disposed of within a period of six weeks from the date of communication of this order. A hearing shall be given to all the parties. A reasoned order shall be passed and communicated to all concerned within the aforesaid period.

It is made clear that while disposing of the said complaint the authorities shall require a representation from the bank in order to ascertain whether the said certificate is genuine or not.

All actions taken in the tender process shall abide by the decision of the authority.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)