

14.09.2021.
Item No. 1.
Court No.13
ap

**W.P.A. No. 14446 of 2021
(Through Video Conference)**

**Sri Pradip Mondal
Versus
The State of West Bengal & Ors.**

Mr. Pinaki Ranjan Chakraborti.
..For the petitioner.

Mr. Sirsanya Bandyopadhyay,
Mr. Subhendu Sengupta.
...For the State.

The writ petitioner is aggrieved by the fact that his client was not provided tender documents in respect of Short Notice Inviting Tender (S.N.I.T.) dated 1st December, 2021 for “Emergent palliative protection work on the downstream of road bridge over Tamlanala at Sitrampur, Block and Police Station – Barjora, District – Bankura under Damodar Head Works Division”.

It is submitted that the petitioner had written a letter on 8th September, 2021 enclosing therewith eligibility documents and yet tender documents were not provided to him.

Counsel for the State submits that the very expression ‘short notice inviting tender’ would indicate that the work to be undertaken was an emergent an immediate. He further submits that the purpose of the job was to ensure that there is no over flow from the

Damodar river in course of ongoing aggressive monsoon.

The writ petitioner had waited until 8th September, 2021 despite the fact that the S.N.I.T was published on 1st September, 2021. The petitioner even on 8th September, 2021, has submitted six documents, without complying with the norms specified in the S.N.I.T., in terms of Clause 4 Sub-clause (i)D. None of the documents submitted by the petitioner were self-authenticated/ self-certified.

Copies of the actual application made by the writ petitioner on his letter head dated 8th September, 2021 and its annexures thereto have been produced by the Counsel for the State.

This Court notices that firstly there is a marked difference in the document annexed at page 27 of the writ petition and the actual document produced by the State.

Secondly, the signature on the letter head dated 8th September, 2021 bearing the name of Pradip Mondal as proprietor of Mondal Enterprise, is found to be completely absent in all the annexures to the said application.

Thirdly, a completely different signature appears on the documents submitted to the respondents from that on the letter of the petitioner.

Apart from attempting to mislead this Hon'ble Court, this Court also finds that the petitioner did not comply with the terms and conditions of the S.N.I.T. The work being emergent and extremely competitive, the petitioner who claims to be an experienced contractor, ought to have been in strict compliance of the S.N.I.T.

This matter was specially listed out of turn at the petitioner's request citing extreme urgency. Far from urgency the writ petitioner is guilty of suppression of material facts and/or a misstatement thereof.

Hence, the instant writ petition must fail and is hereby dismissed with costs assessed at Rs.11,000/- (Rupees eleven thousand only) payable by the writ petitioner to the Executive Engineer, Damodar Headworks Division, Durgapur within a period of ten days from date.

The documents produced by the Counsel for the State are taken on record.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)