

13th September, 2021
(S/L 1)
(SKB)

W.P.A. 14454 of 2021
(Via Video Conference)

Ashok Karan
Versus
State of West Bengal and others

Mr. Billwadal Bhattacharyya,
Mr. Anish Kumar Mukherjee,
Mr. Amrit Sinha
...for the Petitioners.

Mr. Lalit Mohan Mahata,
Mr. Supratim Dhar,
...for the State.

Despite service none appears on behalf of the panchayat authorities.

The petitioner is aggrieved by the alleged *mala fide* action of the Pradhan, Gokulnagar Gram panchayat, Nandigram, Dist.-Purba Medinipur, in not publishing the Notice Inviting Tender in the local newspapers for the knowledge and information to all intending participants and further inaction on the part of the said Pradhan in supplying the tender forms to the petitioner, when the petitioner visited the office of the Pradhan requesting for such forms with regard to five Notice Inviting Tenders bearing nos.01/PBG (SFC) 2020-21, 02/PBG (SFC) 2021-22, 03/PBG (SFC) 2021-22, 04/PBG (SFC) 2021-22 and 05/PBG (SFC) 2021-22. The court is *prima facie* of the opinion that none can be prevented from participating in a tender process but in accordance with law.

Mr. Mahata, learned senior advocate appearing for the State was requested by the court to take specific instructions on the allegations.

Mr. Mahata submits that the tenders have not been opened as yet and the date when the said tenders will be opened has not been fixed. The time will be extended in a meeting to be held today.

Under such circumstances, the petitioner is granted an opportunity by this court to obtain the tender forms and submit the same within tomorrow (14/09/2021) by approaching the Pradhan, Gokulnagar Gram Panchayat, at 11 a.m. at the office of the gram panchayat, upon intimation to the Block Development Officer, Nandigram-I. The tender documents, as prayed for, shall be supplied to the petitioner. The petitioner shall be allowed to participate in accordance with law. The petitioner shall deposit the forms with all documents as per the NIT within 48 hours from the receipt of the same. The petitioner shall be considered alongwith all the candidates. It is made clear that this order shall not be construed as an observation on the eligibility of the petitioner for grant of the tender and the eligibility shall be decided by the authorities in accordance with the criteria and requirements under the Notice Inviting Tenders and the nature of work to be executed.

If the petitioner fails to approach the Pradhan, as directed hereinabove, the authorities are at liberty to act

in accordance with law. The B.D.O. shall ensure that the order of this court shall be complied with smoothly without any hindrance.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All parties are directed to act on the basis of the learned advocates' communications and on the server copy of this order.

(Shampa Sarkar, J.)