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17.09.2021.
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 14502 of 2021
(Via Video Conference)**

**Rahul Kumar
-versus
Indian Oil Corporation Ltd. & Ors.**

**Mr. Debabrata Saha Roy,
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das,
Mr. Neil Basu.**

...For the Petitioner.

**Mr. Amit Kr. Nag,
Mr. Swarajit Dey,
Mr. Maharnab Roy.**

...For the Respondents.

The petitioner is an intending tenderer in respect of the Tender No. RCC/ERO/37/2021-22/PT-68 floated by the Indian Oil Corporation Limited.

The petitioner is a scheduled caste candidate. He is aggrieved by the condition as mentioned in Clause 13 and the provision relating to the security deposit.

According to the petitioner the condition mentioned for hiring of vehicles is unreasonable and impractical. It has been submitted that scheduled caste category candidates have been permitted to place vehicles from the registered owners who belong to the scheduled caste category only. By this way, the candidates in the scheduled caste category will be restricted only to hire vehicles from the same caste but will not be in a position to hire vehicles from the general caste category candidates, whereas the

candidates of the general category are free to place vehicles from owners belonging to any category. The restriction that has been placed on the scheduled caste candidate is discriminatory.

As regards security deposit it has been submitted that there is no relief in terms of deposit of the security money in respect of scheduled caste candidate. The amount that has been mentioned to be deposited is extremely high and it is unreasonable and impractical to place such huge amount of money by way of security deposit.

The last date for submitting the bid document is 21st September, 2021 at 12 pm.

The petitioner is granted leave to make appropriate representation before the Chairman of the Company being respondent No.2 herein.

In the event such a representation is made within a week from date, the respondent No. 2 shall consider the same at the earliest but positively within a period of ten days from the date of receipt of the representation and pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The petitioner may be permitted to participate in the tender process without prejudice to his rights and contentions.

WPA 14502 of 2021 stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)