

30.09.2021
Ct. No.8
S/L No.633
KS

(Via Video Conference)
W.P.A. 15105 of 2021
A-One Enterprise, a proprietorship firm & Ors.
-Vs.-
State of West Bengal & Ors.

Mr. Saptangsu Basu
Mr. Arjun Roy Mukherjee
Ms. Saheli Mukherjee
Ms. Amrita Maji
Ms. Mrinalini Majumder
.....For the Petitioners
Mr. Samrat Sen
Mr. Anirban Roy
Mr. Sirsanya Bandyopadhyay
Mr. Tapas Ballav Mondal
Mr. Arka Kumar Nag
.....For the State

The petitioner nos.1 and 3 are the proprietorship firms engaged in supplying cooked diet to the indoor patients of various hospitals in the State of West Bengal. The petitioner nos.2 and 4 are the sole proprietor of the petitioner nos.1 and 3 respectively. The petitioner participated in a tender in response to Memorandum bearing Tender ID No. ESIK/500/NIT-25/Diet/20-21 dated 17.05.2021 inviting e-tender for supply cooked diet for the indoor patients of the said hospital for a period of two years from the date of issuance of

the work order. The petitioner nos.1 and 2 being eligible submitted their bids and they were accepted by the respondents namely the Medical Superintendent of E.S.I. Hospital, Kamarhati. But, the challenge in this writ application is against the order passed by the Superintendent, E.S.I. Hospital, Kamarhati on 27.07.2021 whereby the tender selection committee of the hospital cancelled the e-tender due to administrative reason. Accordingly, the petitioners sought for issuance of a writ in the nature of mandamus commanding the respondents to withdraw the cancellation of the tender and to rescind or forbear from giving effect to the impugned notice inviting tender dated 26.08.20221 being 'Annexure – P/6' and to act in accordance with law or to take immediate steps to modify the clause pertaining to eligibility criteria to the extent from five years continuous experience to three years and to indicate the cost of cooking gas and to act in accordance with law.

At the time of hearing, learned counsel appearing for the parties submits that the case of the petitioners is fully covered by the observation in the judgment dated 28.09.2021 in *W.P.A. 15088 of 2021 (Sandip Halder & Ors. -Vs.- The State of West Bengal & Ors.)*.

Having regard to the observations and findings, the present writ application being, W.P.A. 15105 of 2021 is decided and disposed of.

All parties are to act on the server copy downloaded from the Official Website.

(Shivakant Prasad, J.)