

08.11.2021

Sl. No. 4

Court No.8

B.M.

WPA 15623 of 2021

Amrex Marketing Private Limited & Anr.

Vs.

Union of India & Ors.

(Via Video Conference)

Mr. Debrup Bhattacharjee ... for the petitioner

Mr. Jayanta Kumar Dhar ... for the respondent no.1

Mr. Vikash Singh

Mr. Rahul Sharma ... for the respondent nos.2 & 3

The petitioner has sought for direction upon the respondent authorities particularly the respondent no.2 to accept the earnest money to the tune of Rs.3,00,000/- from the petitioner no.1 for participation in e-bidding under e-tender no.MSTC/ERO/Andrew Yule & Co. Ltd/4/Kolkata/21-22/15171 and further direction sought for upon the respondent nos.2 to 4 to allow the petitioner no.1 to submit its bid in the e-commerce portal of the respondent no.4.

The petitioner's case in brief is that he being interested and eligible to participate in the e-auction for sale of 26000 unlisted Equity Shares (free from any encumbrances) of Woodlands Multispeciality Hospital Limited held by the respondent no.2, got itself registered with the respondent no.4 and thereafter as per the terms of the e-auction had deposited a sum of Rs.3,00,000/- to

the Bank account of the respondent no.2 on 20.09.2021. The deposit of the aforesaid amount is a pre-condition for submission of bid. The last date of submission of e-bid was on 30th September, 2021. All of a sudden, the respondent no.1 has re-transferred the said deposit to the bank account of the petitioner without any reasons as a consequence the petitioner cannot submit the bid as it would be disqualified. The petitioners have reasons to believe that such arbitrary, deliberate and mala fide steps of re-transferring the earnest money so deposited by the petitioner no.1 has been taken by the respondent no.2 to in order to give a special treatment to its associates companies in the aforesaid e-auction process and in such circumstances, the petitioners apprehend that in the event the petitioner no.1 again transfers the said sum to the account of the respondent no.2, the same would be returned to the account of the petitioner just prior to the closing of the e-bidding process in order to make the bid of the petitioner no.1 disqualified thereby leaving the petitioner no.1 remediless at the final moment.

At this stage of hearing Mr. Vikash Singh, learned advocate appearing for the respondent nos.2 and 3 submits that the aforesaid e-tender has been cancelled and new tender will be floated in which the petitioner will be at liberty to participate obviously in terms of conditions of e-tender.

Having regard to above contentions and further considering the fact that the deposited amount was re-transferred to the account of the petitioner for the reason of cancellation of the e-tender by the respondent no.2, the writ application becomes infructuous at this stage.

Accordingly, the writ application being WPA 15623 of 2021 is dismissed as infructuous.

However, there will be no order as to costs.

(Shivakant Prasad, J.)