

D/L
Item No. 34
29.11.2021
KOLE

**MAT 1194 of 2021
WITH
CAN 1 of 2021**

**Ronith Enterprise
-Vs.-
The State of West Bengal & Ors.**

*Mr. Dip Jyoti Chakraborty,
Mr. P. Sarathi Ghosh,*

.... For the appellant.

*Mr. Samrat Sen, Ld. AAG,
Mr. N. Chatterjee,*

... for the State.

By consent of the parties the appeal and the application are taken up for hearing together.

The writ petitioner approached the learned Single Judge with the grievance that certificates issued in his favour by the relevant Gram Panchayat were not considered by the authority which floated the tender in question. The tender related to certain construction works.

The learned Single Judge dismissed the writ petition observing that the petitioner could not produce anything to show that he had participated in the tender process.

Before us, learned Advocate for the writ petitioner/appellant submits that after the learned Single Judge dismissed the writ petition, the petitioner participated in the tender process. His grievance is that the condition in the tender documents to the effect that credential certificates, payment certificates and completion certificates

issued by the Gram Panchayat shall not be entertained in the tender, is unreasonable.

The appellant having participated in the tender process and having been unsuccessful, cannot now turn around and challenge the tender process or the terms and conditions of the tender. This is settled law. Further, we are told that work orders have already been issued in favour of the successful bidders.

In view of the aforesaid, we find no scope for interfering with the order assailed before us.

The appeal and connected application are, accordingly, dismissed. There will be no order as to costs.

Urgent certified photostat copy of this order, if applied, for be supplied to the parties upon compliance of necessary formalities.

(Arijit Banerjee, J.)

(Kausik Chanda, J.)