

3 **14.02.2022**

gd/ssd

CPAN/11/2022
MANDEEPA ENTERPRISES
VS
SRI ARUPRATAN MUKHOPADHYAY AND ORS.
in
MAT/1247/2021
AINUL HOQUE
VS
MANDEEPA ENTERPRISES AND OTHERS
(Through Video Conference)

Mr. Phiroze Edulji,
Mr. Sandip Kumar De,
Mr. Abhijit Sarkar
..for the Petitioner.

Mr. Samrat Sen,
Ms. Manali Ali
..for the State/Contemnors.

Ms. Rita Patra,
Mr. Mirza Firoj Ahmmed Begg,
Mr. Anand Farmania
..for the Appellant in
MAT/1247/2021.

This petition for initiating the contempt proceedings against the respondents has been filed alleging willful, non-compliance of the disobedience of the order of this Court dated 13th of December, 2021 passed in MAT 1247 of 2021.

The petitioner being aggrieved with the rejection of the technical bid had approached the writ court by way of WPA 17814 of 2021 and the learned Single Judge by order dated 11th of November, 2021 had disposed of the writ petition with a direction to the respondent authorities to permit the petitioner to file a rectification

application in consonance with the proforma attached to the Notice Inviting Electronic Bid dated 28th of October, 2021. A further direction was issued that if such a rectification is submitted, the respondent authorities shall upon due scrutiny consider the same as valid, subject to compliance with the formalities as appearing from the NIT and its annexures.

Against this order, MAT 1247 of 2021 was preferred by one of the aggrieved bidders and this Court by order dated 13th of December, 2021 had dismissed the same.

Submission of learned counsel for the petitioner is that to bypass the order of this Court the respondent authorities have done the revised evaluation of the technical bid and rejected the technical bid of the petitioner on 27th of December, 2021. He has submitted that the respondents have committed clear contempt by making an attempt to bypass the order of this Court.

Having examined the record and on perusal of the orders passed by this Court, we are of the opinion that there is no willful violation or non compliance of the order of this Court at the instance of the respondents. At the earlier stage the technical bid of the petitioner was rejected on account of minor error by the petitioner which was allowed to be corrected. Therefore, the

respondents are justified in doing the revised evaluation of the technical bid. The proceedings dated 27th of December, 2021 reveal that the technical bid of the petitioner has been rejected on account of certain deficiency in terms of clauses 4.4(a)(i) and 4.4(a)(ii). Hence, we do not find any ground to initiate the contempt proceedings against the respondents. The contempt petition is dismissed, however, with liberty to the petitioner to challenge the rejection of technical bid in appropriate proceedings in accordance with law.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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