

30.12.2021.
Item No. 08
Ct. No. 17
PG

W.P.A. 21504 of 2021
Panther Security Service & Anr.
Vs.
Union of India & Ors.

Mr. Saurav Chaudhuri.....for the petitioners

Ms. Sumitra Das.....for the Union of India

Mr. Sudipto Panda....for the respondent nos. 2 to 8

Affidavit of service filed by the petitioners be kept on record.

It appears that the copies of the writ application have been served upon the respondents. Learned lawyer appearing for the petitioners submits that the petitioners, in response to the E-Tender Notice submitted the tender. The petitioners submitted all the documents as per the guidelines of the tender issued by the BSNL authorities. Learned lawyer submits that the respondent authorities rejected the tender of the petitioners on technical ground that tender was not submitted with the attestation of the signature of the authorised signatory by the concerned bank. Under such circumstances, learned lawyer urges that the report of the tender opening committee meeting dated 27th

October, 2021 and the tender summary report dated 23rd December, 2021 are liable to be revoked.

Learned lawyer appearing for the respondents submits that as per tender information under section (2), the techno-commercial envelope shall contain power of attorney and authorisation of signature of the signatory by the bank in accordance with clause 14.3 of section 4, Part-A. Rule 3(7) also requires that the tender will be accompanied by attestation of the signature of the authorised signatory by power of attorney as well as by the authorisation of signature by the bank. Learned lawyer also points out that the power of attorney at page-55 does not reveal the name of any advocate, who identified the petitioner no. 2 before the Notary Public. That being so, learned lawyer submits that the tender, as submitted by the petitioners was defective and it was rightly rejected by the authority concerned.

I have perused all the documents annexed to the writ application. It appears that the tender of the petitioners was rejected on the ground that the scanned copy of attestation of the specimen signature of the authorised signatory by the bank as per clause 14.3, of section 4, Part-A was missing.

As it appears from section 2 pertaining to tender information, the tender shall be submitted supported by power of attorney in accordance with

clause 14.3 of section 4, Part-A. Besides, the attestation of signature of the authorised signatory shall also be made by the concerned bank.

It is not in dispute that the tender submitted by the petitioners did not contain the attestation of the signature by the bank. A reading of the tender information shows that apart from authorisation by way of a power of attorney, the attestation of the signature should be by the bank also. Here, the attestation of the signature of the authorised signatory not made by the concerned bank.

As pointed out by learned lawyer for the respondents, this Court after going through the copy of the power of attorney finds that the signature of the petitioner no. 2 is not identified by any learned advocate. This, prima facie shows that the power of attorney is not in order.

Having heard learned lawyers appearing for the parties and on consideration of the rules/guidelines relating to tender information, I do not find any justification to interfere with the decision of the authority concerned in rejecting the tender of the petitioners.

In view of the above, the writ application is dismissed.

There will be no order as to costs.

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

(Rabindranath Samanta, J.)