

November 30, 2021
Item No. 26
Court No.1
SG/s.biswas

WPA 7797 of 2020

With

CAN 1 of 2021

Uttam Ghosh and another

vs.

The State of West Bengal and others

(Through Video Conference)

Mr. Biswabrata Basu Mallik,
Mr. Pradip Paul,
Mr. Sudip Kushari, Advocates

... for the petitioners

Mr. Samrat Sen, Id. AAG
Ms. Sutapa Sanyal, Advocate

... for the State

Mr. Supratim Dhar,
Mr. Santimay Bhattacharyya,
M. Himadri Kumar Mahata,
Mr. Ziaul Haque, Advocates

... for the respondent No.5

In the present PIL, the allegation of the petitioners is that the construction of office building (first floor) at Basanchora Gram Panchayat was being done without issuing any notice inviting tender (NIT) and without giving any work order. The submission of learned counsel for the petitioners is that on 8th September, 2020 itself, the petitioners had made a complaint in respect of on going construction work.

As against this, learned counsel for the respondent No.5 has submitted that the NIT was issued, the bids were invited and evaluated, thereafter work order was issued and the construction had commenced. He has disputed the fact of commencement of work before issuance of work order.

Having examined the record, we have found that the respondent No.5 has specifically stated before this Court

that the NIT was issued and the online bid submission was started on 20th July, 2020 and the bid submission was closed on 29th July, 2020. The process of tendering duly took place and the bidders had submitted their bids which were opened on 31st August, 2020 by the Tender Selection Committee. The Tender Selection Committee had found deficiency in one of the bids and the same was cancelled and the Committee after evaluation had found that the bid of one of the tenderers, namely, Tapas Kumar Ghosh was lowest and Amiya Kumar Roy was the second lowest and M/s. Mondal Enterprise was the third lowest. The work was awarded to the lowest bidder and the work order was issued on 23rd September, 2020 which was duly accepted by the lowest bidder and construction had been started. The necessary documents in support of the above facts have been placed on record.

Hence, we are of the view that there was no infirmity in commencement of the work. The disputed question of fact that the work had commenced before issuance of the work order cannot be gone into in this writ petition.

Hence, we find no reason to interfere in the present petition.

The present petition and connected application are accordingly dismissed.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]