

05.02.2021
SL No.96
Court No.24
(P.M.)

WPA 9616 of 2020

**Tushar Kanti Kayal
Vs.
The State of West Bengal & Ors.**

Mr. Rajendra Banerjee,
Mr. Soumya Banerjee
... for the petitioner

Mr. Ziaul Haque
... for the respondent No. 5

Mr. Samrat Sen, Sr. Adv.
Ms. Amrita Panja Mallick
... for the State.

The petitioner participated in a tender process pursuant to a notice inviting tender issued by the office of the Block Development Officer, Kultali, South 24 Parganas on 29th September, 2020.

The petitioner turned out to be the lowest bidder. Thereafter the petitioner was directed to submit the rate analysis for feasibility as the rate quoted by him is 19.99% less. As the bid of the petitioner was not accepted even though he being the lowest tenderer, the existing supplier that is Bhandari Construction was permitted to continue with supply till the tender process was finalised.

The petitioner is aggrieved by the same. According to him as he is the lowest bidder the work order ought to have been given to him.

The petitioner alleges violation of the provisions of Rule 11(i) of the West Bengal Panchayet (Accounts, Audit and Budget) Rules, 2007. According to the petitioner, in

case the quotation on the tender of the lowest tenderer is cancelled, then the matter ought to have been placed in the next meeting of the Gram Panchayet for taking a final decision. The writ petitioner submits that as he is the lowest bidder and his tender has been cancelled, the matter ought to have been placed in the meeting of the Panchayet prior to finalising the issue.

The learned senior advocate representing the State respondents submits, upon instruction, that the rules which are required to be followed in the tender process have been strictly complied in the instant case. The rate which has been quoted by the petitioner is extremely low and it is not possible/feasible to supply materials at the rate that has been mentioned by the petitioner.

It has further been submitted that the decision to reject the bid of the petitioner was taken by the competent officer and the Programme Officer merely communicated the decision to the Pradhan of the Gram Panchayet.

The learned advocate representing the Gram Panchayet submits, upon instruction, that the rate quoted by the petitioner being extremely low, his bid has been cancelled and the existing supplier has been permitted to continue with supply of the goods for the time being. It has further been submitted that the tender process is yet to be finalised by the Gram Panchayet and the decision with regard to the tender process is pending at the end of the Gram Panchayet.

As it appears that the tender process is yet to be finalised the instant writ petition is disposed of by directing the Pradhan of the Gurguria Bhubaneswari Gram Panchayet being the respondent No. 5 herein to conclude the tender process, strictly in accordance with law, at the earliest.

Writ Petition WPA 9616 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)