

Court No. 24
05.02.2021
(Item No. 103)
(AB)

W.P.A 10418 of 2020
Mosarraf Hossain & Ors.
vs
The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharya
Mr. Md. A. Zaman
...for the Petitioners

Mr. Debasish Saha
..... for respondent Nos. 5 & 6
Mr. Moniruzzaman
.... for the respondent No. 7

The petitioners are aggrieved by the rejection of their bids pursuant to the notice inviting Pre-Qualification-cum-tender. It appears that the bids of the petitioners were rejected on technical grounds. The reason for cancellation of the bid in respect of the petitioner nos. 2 to 5 is non-submission of credentials with regard to the similar nature/style of work completed successfully.

The bid of the petitioner No. 1 has been rejected on the ground of non-submission of bank solvency certificate.

The learned senior advocate appearing for the petitioners has relied upon the eligibility criteria as mentioned in the notice inviting Pre-Qualification-cum-tender. It appears therefrom that the documents which are to be produced at the time of submission of tender through e-tender

process includes the credentials with regard to the final payment certificate and completion certificate within the last five years in respect of similar nature/style of work completed successfully.

The petitioner nos. 2, 3, 4 and 5 have admittedly not submitted the said credentials. Accordingly, the bids of the petitioner Nos. 2, 3, 4 and 5 have been rightly rejected by the Panchayet.

As regards the rejection of the bid of the petitioner no. 1 due to non-submission of the bank solvency certificate, a communication made by the District Engineer, Zilla Parishad, Murshidabad to the petitioner No. 1 dated 10.01.2020 has been produced in Court, wherefrom it appears that due to submission of false credentials and documents during tender, he has been banned for a period of one year to participate in any tender/auction of any Government office of the Districts of Murshidabad and the EMD that was deposited by him during the tender submission as also been forfeited.

The petitioners submit that even though there is a direction of the District Engineer, Zilla Parishad for not permitting him to participate in any tender process for a period of one year but an

award of contract dated 03.03.2020 was issued in his favour by the Block Development Officer, Khargram, Development Block Nagar, Murshidabad.

The aforesaid submission of the petitioner no. 1 regarding issuance of contract in his favour even after he was black listed cannot be accepted by the Court. Once an individual has been black listed for submitting false credential during tender process and has been banned from participating in any tender process for a year the petitioner could not have participated in the tender process in any manner. Accordingly, the prayer of the petitioner No. 1 for being considered in the tender process cannot arise.

In view of the above, no relief can be granted to the petitioners in the instant case. The writ petition is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)