

20.09.2022
Court No. 19
Item no.74
CP

W.P.A. No. 142 of 2022

Sakib Construction

being represented by its proprietor Mainul Hoque

Vs.

The State of West Bengal & Ors.

Mr. Golam Mastafa

Mr. Samirul Sardar

.....for the petitioner.

This writ petition was filed with the allegation that, although the petitioner was a successful bidder in a tendering process, the work order had not been issued. The writ petition was pending adjudication. During the pendency of the writ petition, the petitioner was served with a notice issued by the Block Development Officer, Kushmandi Development Block dated January 13, 2022, inter alia, stating that the petitioner would not be eligible to participate in any tender process under the Kushmandi Panchayat Samiti, due to submission of invalid documents in the notices inviting tenders bearing No. 2733/KMD/15th CFC/21-22, sl no. 2 & NIT No. 2738/KMD/15th CFC/21-22, sl no. 2.

Under such circumstances, due to the subsequent order of blacklisting, the prayers in the writ petition cannot be decided and this writ petition has become infructuous.

The petitioner is granted liberty to approach the concerned District Magistrate by filing a

representation with regard to the communication received from the Block Development Officer, Kushmandi Development Block regarding his blacklisting.

If such representation is filed, the same shall be considered and disposed of in accordance with law upon hearing the petitioner and/or the petitioner's learned advocate, the concerned Block Development Officer who passed the order of blacklisting as also all other interested parties connected with the issuance of the work order and the tender process.

A reasoned order shall be passed and communicated to all concerned.

The court has not gone into the merits of the claims and the issues involved shall be decided independently.

The entire exercise shall be completed within a period of three months from the date of receipt of the representation.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)