

23.02.2022
Sl. No.14
srm

W.P.A. No. 1078 of 2022
Sahoo Construction & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Anup Dasgupta,
Mr. Somnath Bhattacharjee,
Ms. Sharmistha Paul

...for the Petitioners.

Mr. Asish Kumar Ghosh,
Mr. Ayan Banerjee

...for the State-respondents.

Despite service, none appears on behalf of the panchayat authorities. Affidavit of service is taken on record.

The petitioners allege that the Pradhan of Daudpur No.8 Gram Panchayat, District-Purba Medinipur intentionally did not allow the petitioners to participate in a tender process, only to favour some of his chosen persons. It is alleged that the tender notices were floated on December 6, 2021. The petitioners were resisted by the Pradhan from obtaining the form. A writ petition was filed. A co-ordinate Bench of this Court enjoined the Pradhan from proceeding on the basis of the said tender process during the pendency of the writ petition. Subsequently, the said tender process was cancelled.

Thereafter, fresh notices inviting tenders were published on January 3, 2022. The petitioners by three letters requested the Pradhan for supply of the tender documents. The petitioners were interested in some works in connection with NIT No.7, NIT No.8 and NIT No.2. The forms were supplied. It is submitted that the petitioner No.2 went to submit the forms with the bid documents, but the Pradhan did not allow the petitioner No.2 to drop the documents in the drop box which was kept in the office of the Pradhan. It is further submitted that a work order pertaining to a particular tender has also been issued.

The panchayat authorities are not before the Court and as such it is not possible for the Court to ascertain the situation prevailing in the Gram Panchayat office. The allegations of the petitioners are quite serious. It appears that the Block Development Officer, Nandigram Block-I had also called the petitioner No.2 for a hearing by a notice dated January 13, 2022. The petitioner No.2 participated in the hearing on one occasion, but no further hearing was given to the petitioner No.2. The concerned Block Development Officer has also not issued any order pursuant to such hearing.

Under such circumstances, this Court is of the opinion that the disputed questions of facts, which have been raised by the petitioners, cannot be ascertained by this Court. However, the Block Development Officer, Nandigram Block-I, must dispose of the complaint of the petitioners by treating the writ petition as a representation and give a fresh hearing to the petitioners and all other interested parties including such parties who may have been issued the work order. A reasoned order shall be passed and communicated to all concerned. The entire exercise shall be completed within a period of one week from the date of communication of this order.

It is made clear that with regard to the works in which the work orders have not yet been issued, the same shall not be issued till the decision of the Block Development Officer. With regard to the works, which have been allotted already, this Court is of the opinion that if the Block Development Officer finds that the petitioners' contentions are correct, then the petitioners' remedy will be before the appropriate forum.

All the documents in support of the contentions of the petitioners shall be filed before the Block Development Officer at the time of hearing.

A copy of the writ petition along with a server copy of this order be served upon the Block Development Officer, Nandigram Block-I within 48 hours.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)