

07.04.2022

Sl. No. 68

Court No.13

B.M.

WPA 1728 of 2022

Uttam Kumar Pain & Ors.

Vs.

State of West Bengal & Ors.

Mr. Arup Kundu

Mr. Subhro Prakash Lahiri

... for the petitioner

Mr. Soumik Ganguly

Ms. Chandana Chakraborty

... for the respondent nos.7 & 8

The petitioner is aggrieved by the selection of private respondent as successful tenderer since the latter, has not complied with the earnest money requirement in the tender. It appears from pages 98 and 99 of the writ petition that earnest money deposits have been made by the respondents, by way of Manager's cheque of HDFC Bank. It is submitted by the petitioner that the Manager's cheque is not a Demand Draft.

The petitioner is under a misconception of law. A Manager's cheque or a pay order is a payment which is akin to demand draft. The Manager's cheque is issued by the Bank only upon full consideration of the value of the cheque being put by the respondent.

This court is of the view that since there is hardly any difference between demand draft or Manager's cheque and/or pay order, and if at all, it is an extremely miniscule deviation, which otherwise has no bearing

upon the main terms and conditions of the tender, or its fulfillment.

In that view of the matter, this court does not find any merit in the writ petition and the same is dismissed.

(Rajasekhar Mantha, J.)