

Ct. 05
Item No.19
01.07.2022
(suvendu)

WPA 2567 of 2021

**United Order And Supply
Co-Operative, Society Limited.
Vs.
The State of West Bengal & Ors.**

Mr. Satrajit Sinha Roy
.....for the petitioner

Mr. Kalyan Kumar Chakraborty,
Mr. Ashok Halder
Mr. Kashinath Bhattacharya
.....for the respondent no.5

Ms. Sutapa Sanyal
.....for the State

The petitioner's grievance relates to a Notice inviting e-tender for cook and diet dated 10th December, 2014. The Notice was issued by the Medical Superintendent Cum Vice Principal, Burdwan Medical College and Hospital.

According to learned counsel appearing for the petitioner, the fresh e-tender, which would appear from the affidavit-in-opposition of the private respondent, could not have been issued during the period indicated in the Notice inviting e-tender.

Upon hearing learned counsel appearing for the State and the private respondent, it

appears that there have been several subsequent development after the impugned Notice which is the subject matter of challenge in the present writ petition.

In a writ petition filed by the private respondent in WPA 10605 of 2021, a learned Single Judge by an order dated 17th June, 2021, directed the State-respondents to consider and decide the representation made by the private respondent. The representation was heard and decided by the State and the private respondent was found to be the lowest bidder on a fresh assessment. Thereafter the work order was issued to the private respondent by the State on 23rd November, 2021.

A document of 12th November, 2021 addressed to the Director of Health Services also shows that the authorities took steps in terms of the order passed by the Co-ordinate Bench on 17th June, 2021. The documents before the Court further indicate that the private respondent has been supplying cooked diet for indoor patients in the concerned hospital from 23rd November, 2021 and is continuing to do so till date.

Having found that the impugned Notice inviting e-tender has become infructuous by reason of subsequent fact, WPA 2567 of 2021 is

accordingly dismissed without any order as to costs.

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

(Moushumi Bhattacharya, J.)