

09.03.2022
Court No.13
Item No.14
sp

WPA 2660 of 2022
Pratima Xerox Center
Vs.
The District Magistrate, Purba Medinipur & Ors.
(Through Video Conference)

Mr. Satyendar Agarwal,
Mr. Sumitava Chakraborty,
Mr. Bijoy Bag

... For the Petitioner.

Mr. Samrat Sen, Id. AAAG,
Mr. Nilotpal Chatterjee

....for the State

Mr. Srijib Chakraborty,
Mr. Aditya Mondal

...for the added respondent

The writ petitioner is aggrieved by Notice Inviting Tender ('NIT') dated January 17, 2022 being No. 24/DR for setting up a xerox copying facility at the office of the District Registrar, Purba Medinipur.

The work was to facilitate availability of copies of original records of the District Registrar at a stipulated price for the benefit of the public at large.

The writ petitioner is admittedly enjoying the said contract since the year 2014. He was a successful tenderor, who had quoted a sum of Rs.1.50/- per page of copying done. The said amount is paid by the general public and the State has, in fact, no income or benefit therefrom. It is only a service that the State provides. The said process, therefore, is distribution of State largesse to a very limited extent.

The petitioner has two-fold cause of action. Firstly that his original contract, since after award of tender for the said job in the year 2014 was not terminated in terms of the letter of engagement. The letter of engagement provided a three-day notice to the petitioner before termination of his xerox facility.

The second limb of the petitioner's cause of action is that the Notice Inviting Tender was not effectively published in terms of the applicable rules contained in notification dated June 25, 2012 notified by the Finance Department of the Government of West Bengal. It is submitted that the period of 7 days required to be granted to the intending bidders has not been so allowed. It is also argued that the publication in the newspaper was done in a perfunctory manner, that too in the small newspaper called '*Sambad Pratidin*' dated February 5, 2022.

Cancellation of the Notice Inviting Tender dated January 17, 2022, inter alia, published in the office of the District Registrar, Purba Medinipur is therefore sought.

This Court has carefully heard the learned counsel for the State and the private respondent-awardee. It appears from the submissions of the State and the records, that in terms of the aforesaid notification dated June 25, 2012, the purchasing authority is not required to publish any tender for less than a value of Rs.10,000/- where the procurement/purchase of goods and service between Rs. 10,000/- to Rs.1 lakh are involved, quotation is to be invited

from at least four reliable firms. The notification also stipulates various categories of tenders and the respective newspaper publication required therefor as well as the period to be stipulated for submission of bids thereunder.

From the facts of the instant case, it is evident and clear that the Notice Inviting Tender dated January 17, 2022 was admittedly published in the notice board of the office of the District Registrar, Purba Medinipur. In addition thereto, it is submitted that the publication was effected at the office of the local S.D.O., the District Sub-Registrar, the local Magistrate's office and various important public places of Tamluk.

Newspaper publication has indeed been made as already discussed hereinabove. It is therefore difficult for this Court to believe that a person who is working for a good part of the day in the office of the District Registrar, would not know or have access to the notice board thereat. The other minor omissions, if any, are not sufficiently serious to warrant any interference by this Court. The petitioner, therefore, cannot turn around today and claim that he had seen the notice dated January 17, 2022 only on February 10, 2022.

The contract being extremely limited and small in nature, where there is little to no income for the State, this Court is of the view that the tender notice and subsequent procedures undertaken by the office of the District

Registrar, Purba Medinipur, not perfect, do not call for interference.

The second limb of the petitioner's cause of action is the absence of a three-day notice, stands on a different footing and cannot be clubbed in the instant writ petition. The petitioner may agitate the same in accordance with law in an appropriate separate proceeding and/or before an appropriate forum.

For the reasons stated hereinabove, the writ petition must fail and is hereby dismissed.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)