

S/L 14
15.02.2022
Court. No. 19
GB

W.P.A. 2679 of 2022

Bajpayee Construction
VS
The State of West Bengal & Ors.

*Md. Sarwar Jahan,
Mr. Mobaidur Hossain.*

...for the Petitioner.

*Mr. Jahar Lal De,
Mr. Supratim Dhar.*

...for the State.

Affidavit-of-service filed in Court today be kept with the record.

The petitioner participated in an e-tender process floated by the office of the Raipur Gram Panchayat. The notice inviting e-tender was issued on January 13, 2022 by the Pradhan, Raipur Gram Panchayat. The petitioner participated in the work name and styled as 'Installation of solar light in front of Uttarpara Masjid at village Alinagar Paschim Uttarpara'. The type of work was to install solar light.

The petitioner is aggrieved by the rejection of the bid of the petitioner. The grounds for rejection are:

- a) Affidavit on Rs.20/- stamp paper was not uploaded; and
- b) The special terms and conditions of the tender duly signed by the petitioner, as per compliance of Clause 17 of the e-tender was not uploaded.

The grounds of challenge by the petitioner are that;

- i) The petitioner made a mistake with regard to the affirmation of the affidavit on a Rs.10 stamp paper instead of Rs.20 and such mistake was a minor mistake which could have been rectified at the time of submission of the original documents.
- ii) The special terms and conditions were not available on the portal and as such, the petitioner could not download the same;

The terms and conditions of the e-tender were clear and unambiguous and the petitioner was required to upload a notarised affidavit on Rs.20/- stamp paper. The authorities were not wrong in rejecting the said tender in view of such deficiency in the documents uploaded. Such rejection was within the domain of the authority. A decision of rejecting the bid of the petitioner for non-compliance of the terms and conditions, cannot be faulted on this ground. Thus, the court does not find any reason to interfere with this rejection.

With regard to the rejection on the other ground of non-submission of the signed copy of the special terms and conditions, the Court finds that the tender notice had categorically mentioned that such documents were required to be uploaded by the bidder.

It is the specific contention of Mr. De, learned advocate for the State respondents that such terms and conditions are available on a separate portal and if the bidder

clicked on the link, the special terms and conditions could have been downloaded.

The Court does not find that the petitioner approached the authority with such problem. If the petitioner could not access the documents on the portal, sufficient time was available for the petitioner to approach the authority in the intervening period from the issuance of the e-tender and upto the last date of submission of the documents. Thus, the rejection of the bid of the petitioner is not vitiated by any act of mala fide, arbitrariness, favouritism etc. and the Court should not interfere with the tendering process which is a time bound public project.

Accordingly, the writ petition is dismissed.

All parties are directed to act on the basis of server copy of this order and/or the learned advocate's communication.

(Shampa Sarkar, J.)