

S/L 7
01.03.2022
Court. No. 19
GB

W.P.A. 3258 of 2022

Md. Anwar Hossain
VS
The State of West Bengal & Ors.

Mr. Aninda Bhattacharya.
...for the Petitioner.

Mr. Jaharlal Dey,
Mr. Supratim Dhar.
...for the State.

Mr. Dipankar Pal.
...for the Respondent Nos.6 & 7.

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

The allegations of the petitioner are:-

- a) E-tender ought to have been called in place of physical tender;
- b) The petitioner and his men were assaulted physically by the Pradhan and his associates when the petitioner went to deposit the tender documents.
- c) The works were allotted to the Pradhan's chosen persons.

The question of correctness and genuineness of a physical tender in place of an e-tender is taken up first.

Reliance of the petitioner has been placed on a communication of the District Magistrate dated October 17, 2019. The said communication states that all projects which were valued at above Rs.1 lakh must be allotted by an e-

tendering process. The District Magistrate circulated this communication amongst all Block Development Officers of Murshidabad and accordingly, the Block Development Officer of Bendanga-II Block intimated the Pradhan of Andulberia-II Gram Panchayat that all projects above Rs.1 lakh should be allotted through an e-tendering process.

Mr. Pal learned advocate appearing on behalf of the of Gram Panchayat submits that the Department of Panchayat and Rural Development, State of West Bengal by a memorandum dated January 15, 2021 has subsequently raised the value of works from above Rs.1 lakh to above Rs.5 lakhs. The memorandum states that e-tendering process shall be introduced in all works/schemes etc. in respect of all departments and panchayat bodies, which carry a value of above Rs.5 lakhs. Thus, the contention of Mr. Bhattacharya with regard to the illegality in calling a physical tender is not accepted. The Pradhan through his learned advocate has produced records to show that the tender notice was advertised in two local newspapers. Copies of such advertisements are taken on record. The petitioner was aware of such tender process as he has himself stated that he went to deposit the tender documents. The tender notice was also displayed in the office of the Gram Panchayat. Further allegation of Mr. Bhattacharya that the relatives and the son of the Pradhan have been allotted the works, has been vehemently denied by Mr. Pal and he submits that seven successful bidders have been issued the work orders for different works and none of them are related to the Pradhan.

With regard to the contention of Mr. Bhattacharya that the petitioner and his men were assaulted and prevented from depositing the tender documents, this Court is of the opinion that the police authorities, who have already started investigation in the matter shall conclude the same in accordance with law. The Block Development Officer, before whom there is a complaint about the illegal activities of the Pradhan with regard to favouring his own people, shall dispose of the complaint in accordance with law, upon hearing all parties and by passing a reasoned order.

It is made clear that this Court does not find any illegality with the tendering process, but the allegation against the Pradhan in preventing the petitioner from depositing his documents and assaulting the petitioner are quite serious and the appropriate authorities must look into this aspect with the seriousness it deserves. The Pradhan vehemently denies such allegation and submits that these are afterthoughts and the attempt is to prejudice the Court and also disrupt the functioning of the panchayat office.

These are disputed questions of facts, which the police authorities can investigate and come to a conclusion. If the petitioner has any further allegations against the Pradhan, the petitioner may approach the higher authorities in this regard. If any complaint is lodged before the District Magistrate, who is the highest authority, the same shall be disposed of in accordance with law upon making relevant enquiry.

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

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.)