

05.04.2022.
Item No. 44.
Court No.13
ap

W.P.A. No. 4246 of 2022

**Dipankar Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Debashis Banerjee.

...For the petitioner.

Despite service of notice, the respondents are not represented. Affidavit-of-service filed in Court today be taken on record.

By a communication dated 7th February, 2020, the petitioner was awarded a contract after succeeding in a notice inviting e-Tender, for supply of Potassium Permanganate to different brackish water Blocks under the District of Purba Medinipur affected by Cyclone Bulbul.

The writ petitioner claims to have effected the entire supply of 6505 kilogram of potassium permanganate, within a period of three days of being awarded the above contract and has submitted the bills. In response to the petitioner's bills, the respondents by an email dated March 20, 2020 informed the petitioner of the communication dated 4th March, 2020, purported to cancel the entire tender process on administrative ground vide Memo No. 157 issued by the Assistant Director of Fisheries, Brackish Water, Contai.

The petitioner represented against the actions of the respondent by a communication dated 19th April, 2020.

In reply thereto, the respondents have replied by a communication dated 24th April, 2020 of various acts and omissions on the part of the petitioner, as also the objections raised to the supplied materials by various officials and stakeholders, and of the failure of the material to meet the requisite quality specifications.

It is also stated that the petitioner has unauthorizedly used the seal of the Government of West Bengal on the container of chemicals supplied. For violation of statutory norms and what is being construed as ill-intention to malign the Government Establishment, the respondents have refused to honour any payment to the petitioner.

The petitioner has also been issued a show-cause to reply as to why actions should not be taken against him.

This Court is the view that there are some disputed questions of fact, specifically with respect to the conduct between the petitioner and the State, as regards the supply of chemicals effected under the contract.

Such dispute cannot be gone into under Article 226 of the Constitution of India. Reserving liberty to the petitioner to approach a Civil Court or other

forum, the instant writ petition shall stand disposed of without any orders.

There will 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.)