

Item No. 4

17.08.2022  
Ct-24

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 5559 of 2022

Tipu Sultan Molla & Anr.  
v.  
The State of West Bengal & Ors.

Md. Sahahuddin  
Md. Ahsanuzzaman  
Md. Raziuddin  
... for the petitioners.

Mr. Lalit Mohan Mahata  
Mr. Prasanta Behari Mahata  
... for the State respondents.

Mr. Kamalesh Bhattacharya  
Mr. Alokesh Dalai  
... for the respondent no. 7

The petitioners are aggrieved by the steps taken by the Pradhan of the Gram Panchayat to cancel the tender notice which was floated through e-tender.

The reason for cancellation is that there wasn't wide publication of the said notice inviting tender. The said order further mentions that fresh notice through e-tender will be floated later on.

Learned advocate for the petitioners asserts that the notice inviting tender was published in the Ananda Bazar Patrika which has got a very wide publication and it was not proper for the Pradhan of the Gram Panchayat to cancel the notice inviting tender.

The report of the Block Development Officer, Nakashipara, Nadia clearly mentions that as per the decision taken by the General Body of the Bikrampur Gram Panchayat and the decision of Artha-O-Parikatham Upa-Samity as well as the Tender Selection Committee the notice inviting tender was published on March 6, 2022, but due to the work pressure and implementation of the Duare Sarkar Programme, 2022 wide publicity of the said notice could not be given in the local area. The fifteen days' period from the date of publication of the advertisement and the date of the tender was not maintained.

Accordingly, the notice inviting tender stood cancelled as per the decision of the Artha-O-Parikatham Upa-Samity as well as the Tender Selection Committee of the Gram Panchayat in the meeting held on March 10, 2022.

The notice inviting tender contains a clause that the tender process may be cancelled at any stage without assigning any reason thereof.

The authority has found that there were procedural lapses and accordingly thought it fit to cancel the tender process and reserved their right to float fresh tender later on. The re-tender process has already been undertaken by the Panchayat.

The aforesaid action of the Gram Panchayat does not appear to be erroneous.

There is no scope for interference in the writ petition.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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**(Amrita Sinha, J.)**