

19.07.2022
Ct. 5
D/L 27
ab

WPA 6591 of 2022
With
IA No. CAN 1 of 2022
Shiba Prasad Banerjee
-Vs-
State of West Bengal & Ors.

Mr. Saptangshu Basu,
Mr. Swarup Paul,
Mr. Surya Maity,
Ms. Amrita Maji,
Mr. Anirban Chakraborty

... for the petitioner

Mr. Samrat Sen,
Mr. Nilotpal Chatterjee,
Mr. Amitava Mitra,

... for the State

Mr. Anubhav Sinha,
Ms. Sachita Barman Roy

... for the respondent no. 5

It is the undisputed case of the petitioner, an individual, that the petitioner participated in the tender process of the E.S.I. Hospital by submitting all the required documents as asked for by the E.S.I. Hospitals. The documents placed to the Court on behalf of the E.S.I. Hospital show that the income tax returns filed by the petitioner from 2017-22 were in the name of the petitioner as an individual.

The writ petition, however, discloses partnership deed of 29th January, 2021 between four partners of which the petitioner is one. The writ petition does not clarify whether the petitioner participated in the tender process as an individual or a part of the partnership firm. The writ petition, on the other hand, has been filed by the petitioner, who is an individual with no reference to the role of the partnership firm at least after 29th January, 2021 in the tender process.

Since there is an admitted discrepancy in the case made out by the petitioner and the materials on record including the Pan Card, which is in the name of the petitioner but refers to a date of incorporation, this Court is not inclined to pass any order referring the matter for consideration by the E.S.I. Hospital.

WPA 6591 of 2022 is accordingly dismissed without any order as to costs. CAN 1 of 2022 is also disposed of.

(Moushumi Bhattacharya, J.)