

Sl. No.3
01.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8734 of 2022

Jitendra Singh

v.

The State of West Bengal & Ors.

Mr. Soumya Majumdar
Ms. Debanwita Pramanik
Mr. Gourav Dutta

... for the petitioner

Mr. Tapas Kumar Ghosh
Mr. Tanmoy Chowdhury

... for the respondent nos.3 & 4

Affidavit in opposition filed on behalf of the respondent nos.3 and 4 and the reply thereto filed by the petitioner in Court today are taken on record.

It appears from the affidavit in opposition that Hooghly-Chinsurah Municipality has taken a decision to remove the restriction in the tender which was under challenge in the present writ petition.

The restriction of the participant being a resident of the Municipality and having landed property thereat has been removed.

In view of the withdrawal of the said restriction, anybody and everybody who is interested to run the ferry service will be eligible to participate in the tender process. It has been submitted that the same will amount to maximizing of revenue of the Municipality.

Learned advocate for the petitioner submits that the restrictive clause has been withdrawn for the benefit of a handful of persons.

It appears from the submissions of the petitioner that the earlier tender where the petitioner participated was also cancelled. Though the petitioner has not challenged the said cancellation directly, but a prayer has been made in the present writ petition to take into consideration the tender participants of the first tender.

As it appears that the petitioner initially did not challenge the cancellation of the earlier tender and thereafter participated in the second round pursuant to the leave granted by the Court, accordingly, at this stage, the petitioner cannot turn around and pray for taking into consideration the candidature of the tender participants of the first tender which already stood cancelled.

The Municipality has taken a decision to invite fresh tender by removing the restriction which was imposed in the second tender. The Municipality is directed to proceed de-novo with the tender process strictly in accordance with law.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)