

Item No. 5

17.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 11956 of 2022

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

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

Mr. Malay Singh
Ms. Neelam Singh
... for the State respondents.

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

The petitioners in the present writ petition pray for withdrawal/cancellation of the notice inviting tender dated May 25, 2022.

The primary ground praying for cancellation/withdrawal of the notice inviting tender, as submitted by the learned advocate for the petitioners, is that an earlier tender process was already initiated by the Gram Panchayat and the petitioners participated therein. Thereafter, the said tender process stood cancelled owing to lack of wide publicity.

The petitioners challenged the cancellation of the earlier tender process by filing the writ petition being WPA 5559 of 2022.

According to the petitioners, during the pendency of the earlier writ petition the respondent authority proceeded to issue fresh tender. The petitioners submit that the same is impermissible. The petitioners did not participate in the fresh tender which was floated by the Gram Panchayat.

The Court has already come to an opinion that the cancellation of the earlier tender process was not erroneous and dismissed the writ petition filed by the petitioners.

In the order cancelling the tender process it was clearly mentioned that fresh tender process through e-tender will be floated later on. The Gram Panchayat has floated the fresh tender in May 2022. As many as twelve participants contested in the said tender process. The tender process cannot, however, be finalized due to the pendency of the present writ petition.

The Block Development Officer, Nakashipara Development Block has submitted instruction before this Court wherefrom it appears that the re-tender process was done as per the resolution adopted by the Gram Panchayat. Applications were invited from the interested persons and forms were also given to the

participants who participated in the earlier tender process. As there was an objection filed by the petitioners the Block Development Officer requested the Pradhan of the Gram Panchayat not to proceed with the tender process as the matter was under judicial consideration.

The petitioners have failed to come up with any plausible reason for not participating in the present tender process.

In view of the above, the prayer of the petitioners praying for cancellation of the present tender process cannot be accepted.

The writ petition fails and is hereby dismissed.

Instruction given by the Block Development Officer, Nakashipara, Nadia dated July 7, 2022 be retained with the records.

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.)