

26.08.2022
Court No.13
Item Nos.17 & 18
AP

RVW 113 of 2022
With
IA NO: CAN 1 of 2022
With
CAN 2 of 2022 (Not in the file)

Bhagirath Ghosh
Vs.
The State of West Bengal & Ors.

With
WPA 11821 of 2021
Bhagirath Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahammed
Ms. Ambiya Khatun

... For the Petitioner.

Mr. Samrat Sen, A.A.A.G.
Ms. Manali Ali

... For the State.

Mr. Sobhan Majumder
Mr. Himangshu Ghosh

... For the Respondent No.8.

Review sought in the order dated 23rd November 2021 passed by this Court in WPA 11821 of 2021 on the ground that certain documents as regards the eligibility of the successful tenderer have been obtained by the petitioner but could not be produced despite due diligence. The said documents indicate the ineligibility of the private respondent in participating in the tender process.

Mr. Samrat Sen, learned Senior Advocate appearing for the State submits that apart from the

question of limitation, there is some doubt as to whether the review can be maintained in the facts and circumstances of the case.

This Court does not wish to enter into the technical issues raised by the State. However, The Chief Medical Officer of Health, Nadia being respondent No.4 shall look into the allegations made in the review application along with the representation dated 7th April 2022 and relevant documents produced and shall, at his discretion, make an independent inquiry in the matter. For the aforesaid purpose a decision may be taken after hearing the petitioner and the private respondent successful tenderer.

With the aforesaid directions, the application for Review shall stand disposed of.

In view of the disposal of the review application, connected applications, if any, shall also stand disposed of.

There shall 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.)