

Sl. No.18
19.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 14382 of 2022

Tenacity Security & Ors.
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Joydip Kar, Sr. Adv.
Mr. Koyeli Bhattacharyya
... for the petitioners
Mr. Biswajit Mukherjee
Mr. Arijit Dey
... for the Kolkata Municipal Corporation

In response to a notice inviting e-tender issued by the Kolkata Municipal Corporation for engagement of agency in Kolkata Municipal Corporation for house keeping, the petitioner participated in the tender process.

Primary allegation of the petitioners is that the private respondent who is also a participant in the said tender process does not possess the minimum eligibility criterion for participating in the tender process.

The petitioner has raised objection with regard to the participation of the respondent no.5 in the tender process. It has been submitted that as many as four objections have been filed by the petitioners against the participation of the respondent no.5 in the tender process.

It has been submitted by the learned advocate representing the Kolkata Municipal Corporation that in view of objections that have been filed by the petitioners, steps have not yet been taken for finalisation of the said tender.

From the affidavit of service filed in Court today, it does not appear that copy of the writ petition has been received by the respondent no.5 though the same was posted on 5th July, 2022.

In view of the order that I propose to pass, none of the parties would be prejudiced if the writ petition is disposed of in terms of the following order.

The Municipal Secretary, Kolkata Municipal Corporation, being the respondent no.4 herein, is directed to consider the objections that have been filed by the petitioners on 15th June, 2022, 17th June, 2022, 22nd June, 2022 and notice demanding justice dated 27th June, 2022.

The respondent no.4 shall consider the said objections after giving reasonable opportunity of hearing to the petitioners, respondent no.5 and other necessary parties strictly in accordance with law, at the earliest, but positively within a period of four weeks from the date of communication of this order. The said respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the objections raised by the petitioners.

The petitioners are directed to forward a copy of the objections dated 15th June, 2022, 17th June, 2022, 22nd June, 2022 and notice demanding justice dated 27th June, 2022, to the aforesaid respondent at the time of communicating the order of the Court.

The order to be passed by the respondent no.4 shall be effective only after a week from the date of communication of the said order to the parties.

Till a final decision is taken in the matter, work order will not be issued by the respondent in the matter.

Affidavit of service filed in Court is taken on record.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)