

S/L 10
15.09.2022
Court. No. 19
GB

W.P.A. 15312 of 2022

Subhash Mondal
VS
The State of West Bengal & Ors.

Mr. Alokesh Dalai,
Mr. Suvankar Nayek.

...for the Petitioner.

Ms. Sutpa Sanyal,
Mr. Diptomoy Talukder.

...for the State.

Mr. Abhimanyu Bannerjee,
Mr. Arnab Saha.

...for the Respondent Nos.9 & 10.

Mr. Anindya Bose,
Mr. Diptendu Mandal.

...for the Respondent Nos.11.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner has challenged the work orders given to the respondent nos.8 to 12, pursuant to the tender notices, which were published by the Pradhan, Bali-I Gram Panchayat. The petitioner is an unsuccessful bidder. According to the petitioner, the alleged ground for cancellation of the petitioner's bid, was non-registration with the Provident Fund and Employees State Insurance authorities.

The petitioner submits that the West Bengal Gram Panchayat Procurement Manual does not make it mandatory for a bidder to be registered with the authorities as stated hereinabove, as an eligibility criteria. The petitioner submits that the authorities also did not supply the applications and the documents, which were submitted by the successful

bidders, although a prayer was made under the Right to Information Act.

The learned advocate for the respondent nos. 9 to 11 submit that the work orders were issued in June 2022 and the stipulated time for completion of the work was one month from the date of receipt of the work orders. The works have been completed. They submit that the writ petition has thus become infructuous. It is further contended that there is no scope for interference in the process as the petitioner did not specify the reasons for challenging the tendering process.

On the one hand, the petitioner has averred in the writ petition that the documents submitted by the respondent nos.8 to 12 were not genuine. Without pressing such allegations, the petitioner has argued on the point of non-requirement of a registration with the Provident Fund and Employees State Insurance authorities.

The learned advocate for the State respondents submits that they have all the documents necessary for their participation and they were qualified.

Disputed questions of facts have arisen, which cannot be decided by this Court. The tender notice has been given a finality. The work orders have been acted upon and the works have been completed. There is nothing on record to show that the ground for rejection of the petitioner's bid was non-registration with the Provident Fund and Employees State Insurance authorities. Unless there are glaring irregularities or there are allegations of favouritism, nepotism and mala fide action in the tender process, the writ

Court cannot interfere. Such irregularities are not apparent to the Court. However, as the petitioner had participated in the tender process and is not aware of the reasons for rejection of his bid, the petitioner is granted liberty to approach the Block Development Officer. If such representation is filed, the same shall be disposed of in accordance with law upon hearing the petitioner, the Pradhan of Bali-I Gram Panchayat and the successful bidders. A reasoned order shall be passed and communicated to all concerned.

This Court has not gone into the merits of the claims of the petitioner. In case, it is found that the petitioner's allegations are correct and the authority wrongly deprived the petitioner, the petitioner's remedy by way of damages shall remain open. This Court has not entered into the merits of the claim and counter-claim of the parties.

The entire exercise shall be completed within a period of three weeks from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)