

Ct. 05
Item No.12
04.08.2022
(suvendu)

WPA 17487 of 2022

(Via Video Conference)

Dr. Sumit Baran Chowdhury & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Kalyan Bandopadhyay

Mr. Durga Prasad Dutta

Mr. Souvik Sen

Mr. Sumanta Ganguly

.....for the petitioners

Mr. N.C. Behani

Ms. Papiya Banerjee Bihani

.....for the respondent nos.2-8

Mr. Samrat Sen, Ld. AAAG

Mr. Nilotpall Chatterjee

Ms. Manali Ali

.....for the State

The affidavit of service is taken on record.

The admitted facts are these. The petitioners participated in a Notice Inviting Tender for deploying manual sample collection systems of 83 Ambient Air Quality Monitoring Stations in different cities and towns of West Bengal for three years. Clause 5 of the Notice Inviting Tender requires the bidders to submit only one non-refundable Bid Document Fee of Rs. 10,000/- irrespective of the number of groups. The petitioners bid for 5 of the 7 Groups and paid one

deposit of Rs. 10,000/- in accordance with Clause 5 of the NIT. The petitioners put in Rs. 10,000/- for Group VII. The Tendering Authority however cancelled the tender of Group VII due to insufficient number of bidders and opened Group IV. The petitioners were disqualified in the tender for Group IV since the petitioners had deposited the Rs. 10,000/- Bid Document Fee in Group VII.

The State is represented.

Upon considering these facts, there is no doubt that the petitioners have been unfairly disqualified for no fault on their part. The petitioners have complied with Clause 5 of the NIT which requires only a single deposit of Rs. 10,000/- to be made in any one of the seven groups. The cancellation of Group VII, in which the petitioners have deposited the money, cannot be held against the petitioners since the cancellation was done due to the reasons which do not have any connection with the petitioners.

It is also undisputed that the financial bid has recently been opened and the tender has not proceeded beyond that stage.

WPA 17487 of 2022 is accordingly disposed of by directing the concerned respondents being the West Bengal Pollution Control Board to consider the bid of the petitioners

at the time of final consideration of Group IV or any of the five Groups in which the petitioners participated.

Since Group IV has only been opened, the petitioners' bid in Group IV shall be considered as directed above.

The respondents shall be at liberty of taking assistance of the service provider for the systems if required.

Urgent photostat certified copy of this order if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)