

10.01.2022.
Court No.13
Item No. 48
ap

**W.P.A. No. 19122 of 2021
(Through Video Conference)**

**New Luxmi Press & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Rudra Prasad Matilal.

...For the petitioners.

Mr. Samrat Sen,
Mr. Nilotpal Chatterjee.

...For the State.

The writ petitioners are aggrieved by an order dated 22nd November, 2021 passed by the Assistant Superintendent, R.G. Kar Medical College and Hospital, Kolkata rejecting the petitioners' technical bid for want of the registered Partnership Deed.

A Notice Inviting tender was published by the R.G.K.M.C.H, inviting bids for supply of printing and stationary. Partnership Firms was required to be produced the deed/evidence of Registration along with the NIT.

Counsel for the writ petitioners would place a partnership deed that was produced along with this tender. Registration of such deed is indeed evident, albeit before the Registrar of Assurance.

Mr. Samrat Sen, learned Senior Advocate appearing for the State would argue before this Court that registration of a partnership deed would essentially mean the registration before the Registrar of Firms in terms of the Indian Partnership Act, 1932.

A partnership deed, in fact, does not call for any registration under Section 17 of the Registration Act, 1908 before the Registrar of Assurance, Kolkata.

This Court is of the view that the error committed by the petitioners is fundamental and cannot be remedied.

It is further stated by Mr. Sen, even assuming that the Court takes a sympathetic view of a bona fide error having been committed by the petitioners, no relief has even otherwise been granted since work orders have been issued under the tenders on 24th November, 2021.

In that view of the matter, no relief can be granted to the writ petitioners in this writ petition notwithstanding the very compelling, earnest and sincere arguments being made by Mr. Rudra Prasad Matilal, learned Counsel for the petitioners.

The instant writ petition shall stand disposed of.

There will 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.)