

S/L. 13.
August 26, 2022.
MNS.

WPA No. 18975 of 2022

Shiba Prosad Banerjee
Vs.
The State of West Bengal and others

Mr. Saptansu Basu,
Mr. Swarup Paul,
Mr. Surya Maity,
Mr. Amrita Maji

... for the petitioner.

Mr. Samrat Sen,
Mr. Nilotpal Chatterjee,
Ms. Manali Ali

...for the State.

Mr. Satrajit Sinha Roy,
Ms. Paramita Sahu

...for the respondent no. 13.

The learned Senior Advocate appearing for the petitioner submits that the petitioner has given a representation to the respondent-authorities, that is, the Tender Issuing Authorities, to comply with "Situation III", which applies in case of a tied bid (page 134 of the writ petition), which contemplates a particular mode of action to be followed in the case of a tie.

In the present case, it is contended that a tie has occurred, necessitating the said procedure to be followed.

Learned counsel for respondent no. 13 submits, however, that Situation II ought to prevail since the same deals with the number of qualified bidders where it is less than three. It is seen from the clauses of the said provision that sub-clause (a) thereof speaks about “first call”.

However, there does not appear, *prima facie*, to be any conflict between Situation II and Situation III, more so since Situation III provides specifically that it is in addition to what has been stated in Situations I and II thereinabove.

Heard learned counsel for the parties, including the learned Senior Advocate appearing for the respondent-authorities.

In view of the innocuous prayer made, WPA No. 18975 of 2022 is disposed of by directing the respondent no. 10 to decide on the representation given by the petitioner, annexed at page – 126 of the writ petition, upon giving a prior hearing to the petitioner as well as the respondent no. 13, who are the tied bidders, and decide on the same as expeditiously as possible. The entire exercise shall be completed positively within six weeks from date.

In the meantime, no work order will be issued in favour of any of the successful bidders

until and unless the decision, as indicated above, is taken.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)