

21.09.2022
Item No.5
Court No.6.
AB

**M.A.T. 1360 of 2022
With
I A CAN 1 of 2022**

**Tipu Sultan Molla & Anr.
Vs
The State of West Bengal & Others**

Mr. A. Chatterjee,
Md. Ahsanuzzaman,
Md. Raziuddin ...for the Appellants.

Mr. Lalit Mohan Mahata,
Mr. P. B. Mahata for the State.

By consent of the parties, the appeal and the application are taken up for hearing together.

This appeal is directed against a Judgment and Order dated August 17, 2022, whereby the writ petition of the appellants being WPA 5559 of 2022 was dismissed.

The appellants approached the learned Single Judge with the grievance that the Pradhan of the concerned Gram Panchayet had cancelled the relevant tender notice, which was floated through e-tender. The reason for cancellation was stated to be inadequate circulation of the said notice. The Artha-O-Parikatham Upa-Samity as well as the Tender Selection Committee of the Gram Panchayet, in a meeting held on March 10, 2022, decided that the tender process should be cancelled.

The learned Judge did not think it necessary to call for affidavits and in our view, rightly so. The learned Judge recorded that the Notice Inviting Tender itself contains a Clause that the tender process may be cancelled at any stage without assigning any reason therefor.

We are also of the view that nobody has any vested right to insist that since a Notice Inviting Tender has been issued, the same must be carried forward. The Authorities, in the instant case, were of the considered view that there was no wide circulation of the notice and hence, decided to cancel the tender process. We do not see anything unreasonable or arbitrary about the same.

Learned Advocate for the appellants files a Supplementary Affidavit enclosing thereto a letter addressed by the concerned Block Development Officer to the Pradhan of the Bikrampur Gram Panchayet. The letter is as follows:

“You are hereby requested to send the details report of the objection raised by your GP members against the above mentioned NIT and also the status report of the pending Court matter and withhold the tender process until settlement.”

We do not see how this letter advances the case of the appellants. No case has been made out that the tender process was cancelled for any oblique motive or

mala fide object. We see no reason to interfere with the order under appeal.

This order will not prevent the appellants from participating in any fresh tender that may be floated by the concerned Authorities.

Since we have not called for affidavits, the allegations in the stay application are deemed not to be admitted by the respondents.

MAT No.1360 of 2022 stands dismissed along with IA CAN 1 of 2022.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)