

August 29, 2022
Sl. No.17
Court No.1
s.biswas

WPA (P) 415 of 2022

Bibhas Sarkar

vs.

The State of West Bengal and others

Mr. Sukanta Chakrabarty,
Mr. Anindya Halder, Advocates

... for the petitioner

Mr. Jahar Lal De,
Mr. Supratim Dhar, Advocates

... for the State

Mr. Amitava Chaudhuri,
Mrs. M. Chaudhuri,
Mr. N. Roy, Advocates

... for the Nadia Zilla Parishad

Mr. D. N. Ray,
Mr. Atanu Biswas, Advocates

... for the respondent Nos.8 & 9

In this public interest petition one of the residents of Nadia has questioned the Notice Inviting Auction dated 05.08.2022 issued by Nadia Zilla Parishad in respect of lease of Nrisinghapur-Kalna Ferry Ghat for the year 2022-2025.

The submission of learned counsel for the petitioner is that in terms of the notification dated 27th July, 2022 for tender value of ₹5 lakh and above, e-tendering through the centralized e-tender portal is mandatory in addition to publication in print media. It has been pointed out that the tender issued by Nadia Zilla Parishad is for a base price of ₹50 lakhs, therefore the notification dated 27th July, 2022 is to be followed.

Learned counsel appearing for the respondent No.8 (Kalna Municipality) has also submitted that Nadia Zilla Parishad has no jurisdiction to issue such an NIT and in this regard he has referred to the order of the State

Government dated 02.08.2022 relating to e-Auction of the Ferry Ghat at Kalna.

At this stage, limited submission of learned counsel for the petitioner is that the petitioner's representation dated 12th August, 2022 is pending before the respondent No.3 (The District Magistrate, Nadia), therefore a direction be issued to decide the petitioner's representation.

Learned counsel for the State has fairly submitted that there is no objection in issuing such a direction.

Hence, we dispose of the present petition directing the respondent No.3 to decide the petitioner's pending representation dated 12th August, 2022 and take appropriate decision in accordance with law after giving an opportunity of hearing to all the concerned parties including the authorized officer of Kalna Municipality.

Let this exercise be completed within a period of six weeks from the date of receipt of a copy of this order.

On examining the matter it will be open to the respondent No.3 to pass appropriate order for staying the tender, if need so arises.

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

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]