

Item No. 6

29.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 19345 of 2015
New Maa Sindhu Enterprise & Ors.
v.
The State of West Bengal & Ors.

Mr. Anup Dasgupta
... for the petitioners.

Mr. Tanmoy Mukherjee
Mr. Bibekananda Tripathy
Mr. Souvik Das
Mr. Rudranil Das
... for the respondent nos. 4 & 5.

Mr. Jaharlal De
Mr. Shamim ul Bari
... for the State respondents.

The petitioners are aggrieved by the act of the Pradhan of the Gokulnagar Gram Panchayat in not supplying the tender document to them for participating in the tender being NIT Nos. 5, 6, 7 & 8.

According to the petitioners, despite repeated attempts made by them to obtain the tender document, the same was not supplied to them.

The petitioners submit that as the estimated value of the work order is more than Rs.1,00,000/-, e-tender process ought to have been initiated by the Pradhan. The petitioners further contend that the Pradhan does not have the authority to invite tenders in respect of

work orders, estimated value which exceeds Rs. 1,00,000/-.

The Court has dealt with the issue as to whether the Pradhan has the authority to invite tenders in respect of the work orders, estimated value of which exceeds Rs. 1,00,000/- in the order dated July 4, 2022 passed in WPA 8615 of 2022 with CAN 1 of 2022 (Krishna Pada Mahato & Anr. v. State of West Bengal & Ors.)

The Court was of the opinion that as per the West Bengal Panchayat (Accounts, Audit and Budget) Rules, 2007, the Artha O Parikalpana Upa-Samity is the competent authority to invite tenders.

In the present case, admittedly, most of the work orders have an estimated value exceeding rupees one lakh. The Pradhan, accordingly, does not have the authority to invite tenders.

It has been submitted by the learned advocate representing the Pradhan of the Gram Panchayat that work orders have already been issued in favour of the successful tenderers on August 8, 2022 and the work is already in progress. The time period for completion of the work is thirty days.

It appears that though the petitioners were aggrieved by the act of the Pradhan in respect of floating the tender on July 20, 2022 and the last date of

purchasing tender form is August 4, 2022 and the last date of tender dropping is August 5, 2022, the petitioners filed the writ petition on August 24, 2022.

By the said date the Gram Panchayat already issued work orders in favour of the successful tenderers. The work is in progress. At this stage, it will not be proper to stall the projects in the midst of the term as the same will amount to pecuniary loss of the Government exchequer.

Accordingly, even though, the Court holds that it was not proper for the Pradhan to invite tender but at the same time the Court is unable to interfere the tender process at such a belated stage.

No relief can be granted to the petitioners in the instant writ petition.

The writ petition fails and is hereby dismissed.

Instruction given by the Pradhan of the Gokulnagar Gram Panchayat relating to issuance of the work orders in favour of the successful tenderers be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)