

10.02.2022
Court No.13
Item No.3
AP

WPCRC 17 of 2022

**The Court in its own motion
Vs.
The Deputy Secretary,
Department of Health and Family Welfare,
G.A. Branch, Government of West Bengal**

In

**WPA 21114 of 2021
G.S. & I.S. India (Private) Limited and Anr.
Vs.
The State of West Bengal and Ors.**

(Through Video Conference)

Mr. Siddhartha Banerjee
Ms. Soni Ojha
Ms. Sambrita B. Chatterjee

... For the Petitioners.

Mr. Amitesh Banerjee, Senior Advocate
Mr. Nilotpal Chatterjee

... For the State.

Mr. J. Kiran

... For the Respondent No.7.

The report filed by the NIC is taken on record.

After hearing the submission of Swasthya Bhawan and the officials of the NIC, this Court orders that the rejection of the petitioner's technical bid in the impugned order dated 26th November 2021 shall stand set aside.

The petitioner shall be eligible to be considered for the next stage i.e. opening of the financial bid along with other eligible tenderers. A suitable final decision may be taken by the Swasthya Bhawan authorities, on the tendering process thereafter i.e. award of final tender or any other steps that they may be authorized to under the

NIT and/or the general applicable rules for the aforesaid purpose.

The Deputy Secretary, Department of Health and Family Welfare, Mr. Atish Chakraborty is personally present in Court. His personal presence is dispensed with. It is expected that transparency in tendering process is maintained by the respondents in future without demur.

Needless to mention, the work order issued in favour of the respondent No.7 shall stand set aside.

With the aforesaid observations, the writ petition is disposed of.

The contempt application shall also stand disposed of.

Rule, if any, shall stand discharged.

There will be no order as to costs.

Interim order, if any, shall stand vacated.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)