

S/L 3
25.01.2022
Court. No. 19
GB

WPA 21222 of 2021

Sahidulla Choudhury & Ors.
Vs
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Sarwar Jahan

...for the Petitioners.

*Mr. Usof Ali Dewan,
Mr. Arup Sarkar,
Mr. Asif Dewan.*

...for the Respondent No.9.

*Mr. Jahar Lal De,
Mr. Shamim Ul Bari.*

...for the State.

The petitioners have alleged that the authorities of the Daulatpur Gram Panchayat have repeatedly issued tender notices without following the procurement manual. The time period to be followed between the stages in the entire process, were not adhered to. Government orders issued by the Finance Department, Government of West Bengal, especially the Government order/notification dated April 24, 2014 had been violated.

It is specifically contended that publications of the notice inviting tender, as required under the law, were not made. Adequate time was not given to the bidders to submit their documents. A single tender had been split up into several tender notices, in order to avoid the e-tendering process.

Mr. Dewan, learned advocate appearing on behalf of the panchayat authorities submits that the entire tender process had been reached to its logical conclusion and work orders had been issued on December 24, 2021 to the successful bidders. He submits that the petitioners were not interested to participate. They did not have adequate qualification/eligibility in terms of the said tender notices. The petitioners did not have any locus to challenge the said tender processes, when they were not even eligible to participate. He further submits that the entire procedure was followed by the authorities, as per law.

Mr. De, learned Senior Government advocate submits that the allegations of splitting up of the tender, per se, does not appear to be correct, in view of the fact that the tender notices were invited for works under different heads for different sites.

Heard the learned advocates for the respective parties. Public authorities who are state under Article 12 of the Constitution of India are duty bound to act and proceed in accordance with law. This Court is of the opinion that any complaint made by prospective participants or aggrieved persons with regard to the tender processes must be looked into, in order to ensure that the authorities had acted and proceeded in accordance with law and did not indulge in any favoritism or arbitrariness. Whether the tender processes were proceeded in a way to exclude fair participation and competition, must be looked into.

Thus, the complaint of the petitioners dated December 20, 2021 must be disposed of by the Block Development Officer, Harishchandrapur-II Block in accordance with law. An enquiry shall be made with regard to the allegations. A hearing shall be given to the petitioners, the representatives of the panchayat authorities and the successful tenderers. A reasoned order shall be passed and communicated to all concerned. If the allegations of the petitioners are found to be correct, then the Block Development Officer shall take such steps as permitted under the law against the tender issuing authority. It goes without saying that the rights of the successful tenderers are not decided or interfered with in this proceeding.

The entire exercise shall be completed within a period of four months from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)