

29.09.2022
Court No. 19
Item no.17
CP

W.P.A. No. 22685 of 2022

Md. Iyakub Mia

Vs.

The State of West Bengal & Ors.

Ms. Debjani Ray

Mr. Arka Nandi

Mr. Sutirtha Nayak

....for the petitioner.

Mr. Nilotpal Chatterjee

Mr. Varun Kothari

....for the State.

The court appreciates Mr. Chatterjee's effort to resolve the dispute which has been raised in this proceeding.

The petitioner is aggrieved by the cancellation of his technical bid by the tender committee. It is alleged that no reasons for such rejection had been assigned. According to the petitioner, at the pre-qualification round, the committee had not indicated any defect in the bid documents submitted by the petitioner. The petitioner submits that even if there may have been certain discrepancies and defects, the same should have been indicated in the pre-qualification round. In the notice inviting tender such provision has been made. It is submitted that the petitioner ought to have been given an opportunity to rectify and/or explain the defects, if any.

Mr. Chatterjee, learned advocate for the State, submits that on receipt of the application from the petitioner after rejection of his technical bid, the authority decided to postpone the opening of the financial bid. A reply was sent to the petitioner, asking the petitioner to attend the office of the tender committee within 5 pm today.

As this court is in seisin of the matter, it would not be possible for the petitioner to approach the authority by 5 pm today. Thus, such time is extended upto 1.00 pm of September 30, 2022. The petitioner shall approach the concerned authority with all relevant documents in support of his contentions.

The authority shall peruse the same and issue necessary directions in this regard.

The correctness of the allegations made by the petitioner, is not gone into. The authority shall decide the issues independently, upon granting an opportunity of hearing to the petitioner.

The documents to be submitted by the petitioner which form part of the bid documents, shall also be checked. If the authority is satisfied with the petitioner's explanation/clarification and/or removal of defects if any, the petitioner shall be allowed to participate in the financial bidding round.

After deciding the issue, the tendering process shall be proceeded with from the stage of opening of the financial bid.

This 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.)