

21.12.2022
Ct. 5
D/L 4
ab

WPA 25339 of 2022

M/s. Rupa Enterprises

-Vs-

The State of West Bengal & Ors.

Mr. Swarup Paul,
Mr. Surya Maity,
Mr. Guru Saday Dutta,
Mr. A. Roy

... for the petitioner

Mr. Debasish Ghosh,
Mr. Debraj Sahu

... for the State

Mr. S. Sinha Roy

... for the respondent no. 11

The petitioner has challenged the rejection of the petitioner's bid, which was put up on the website of the Health and Family Welfare Department on 22nd September, 2022. The parties contend that pursuant to such rejection, the work order in favour of the private respondent was issued by the State respondents on 29th September, 2022 and an agreement was entered into on 1st October, 2022.

The grievance lies in the fact that according to learned counsel for the petitioner, the reason for rejection has not been communicated to the petitioner.

Learned counsel appearing for the State submits that the tender conditions do not contain any

requirement to give reasons. Counsel relies on *Silppi Constructions Contractors Vs. Union of India & Another*; (2020) 16 SCC 489 in that respect.

After hearing counsel for the parties and to resolve the controversy within the earliest possible time, WPA 25339 of 2022 is disposed of with a direction on the respondent no. 8 being the Joint Director of Health Services (Hospital Administration), Department of Health & Family Welfare, Government of West Bengal, to consider any representation which may be made by the petitioner within a week from date and dispose of the same with a reasoned order upon hearing the petitioner and any other interested parties. The reasoned order shall be passed within three weeks from the date on which the respondent no. 8 receives the representation made by the petitioner and a copy of the reasoned order shall be made available to the petitioner within a week from the date of passing such order.

(Moushumi Bhattacharya, J.)