

21.11.2022
Sl. No.30(DL)
srm

W.P.A. No. 25505 of 2022

Animesh Pandey & Ors.

Versus

The State of West Bengal & Ors.

Mr. Soumik Ganguly,
Mr. Lalratan Mondal,
Mr. Dilip Kumar Sadhu

....for the Petitioners.

Mr. Jahar Lal De,
Mr. Shamim ul Bari

...for the State-respondents.

Affidavit-of-service is taken on record.

The writ petition is utterly misconceived. Eight participants in a tender process have challenged the rejection of their financial bids and have prayed that the work orders relating to Notice Inviting Tender No.5/2022-23 and Notice Inviting Tender No.6/2022-23 be issued to them. At best, they may have individual causes of action.

In any event, the Court also does not find any reason to interfere with the decision of the authority.

The petitioners quoted their rates at 20% less than the reserved price. The petitioners were asked to provide the rate analysis in support of such quotations. They failed to satisfy the authority by submitting a proper rate

analysis. The authority rejected the claims of each of the petitioners.

Allegation is that the authorities have been proceeding in a discriminatory and arbitrary manner by permitting the respondent No.8 to quote an amount at 28% less than the reserved price.

The respondent No.8 participated in the E-Notice Inviting Tender No.11/2022-23. Whereas, the petitioners participated in the Notice Inviting Tender No.5/2022-23 and Notice Inviting Tender No.6/2022-23. Thus, there cannot be any comparison between the two cases.

Moreover, whether the respondent No.8 had satisfactorily explained its rate analysis before the authority or not, is a matter to be decided by the authority itself. When the petitioners did not participate in the E-Notice Inviting Tender No.11/2022-23, there is no reason why the respondent No.8 should have at all been impleaded in this proceeding.

It is submitted that none were found successful in respect of the Notice Inviting Tender No.5/2022-23 and Notice Inviting Tender No.6/2022-23. It is further submitted that the re-tenders have not yet been notified.

Thus, if the petitioners are eligible and there is any re-tender in future, the petitioners can participate upon

fulfilling all the requirements as per the eligibility criteria.

This order shall not apply in case the works have already been re-tendered.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)