

20.12.2022
sayandeep
Sl. No. 18
Ct. No. 05

WPA 25745 of 2022

M/s. Lokenath Enterprise
-Versus-
The State of West Bengal & Ors.

Mr. Anubhav Sinha
Mr. Samik Sarkar

.....for the petitioner

Mr. Nilotpal Chatterjee
Mr. Amrita Panja Moulick

.....for the State

Mr. Swarup Paul
Mr. Surya Maity
Mr. Anirban Chakaborty
Mr. Gurusaday Dutta

.....for the respondent Nos. 6,7 & 8

The grievance of the writ petitioner relates to several orders passed by tendering authority/ respondent No. 2 being The Director, ESI(MB) Scheme, E.S.I., Directorate of Employees' State Insurance (MB) Scheme, by which the respondent has taken steps to re-evaluate a tender for serving cooked food to the particular ESI Hospital. The decision to re-evaluate is pursuant to orders passed by the Court. The orders directed the concerned authorities to revisit the tender and pass reasoned order. The orders were passed in a writ petition filed by the private respondents challenging the rejection of the bids of the private respondents on technical grounds. The petitioner before the Court was the L-1 bidder.

The petitioner has continued to serve cooked food to the respondents from April, 2022. The petitioner is

aggrieved by several orders passed by the respondents culminating in an order dated 14th November, 2022 whereby the respondent has taken a decision to cancel the order given to the petitioner and explore the possibility of re-evaluating the tender after including the private respondents (the earlier unsuccessful bidders) in the technical bid.

Learned counsel appearing for the petitioner takes particular objection to an order passed by the respondents on 7th November, 2022 which is in the nature of internal communication seeking a clarification of the “*existing diet contractor*”.

Learned counsel appearing for the respondent ESI Hospital submits that the only grievance of the petitioner lies in the fact of re-evaluation of the tender by including the private respondents.

The petitioner is at liberty to challenge any final decision taken by the respondents as and when such decision is taken but cannot stall the re-evaluation at this stage.

WPA 25745 of 2022 is disposed of by directing the respondents to complete the re-evaluation process within six weeks from date. The petitioner shall continue to serve the Hospital until a fortnight after the final decision is taken.

A copy of the final decision shall be made available to the petitioner as well as the private

respondents within three days from the date on which such decision is taken.

Needless to say, the petitioner as the L-1 bidder will be entitled to make a representation before the authorities before any decision is taken.

It is made clear that the Court has not expressed any views on the rights and eligibility of any of the parties before this Court.

(Moushumi Bhattacharya, J.)