

06.12.2022
Ct. 5
D/L 10
ab

WPA 26834 of 2022

Mir Abu Zar

-Vs-

The State of West Bengal & Ors.

Mr. Tapas Kr. Ghosh,
Mr. Tanmay Chowdhury

... for the petitioner

Mr. Nilotpal Chatterjee

... for the State

The petitioner seeks cancellation of a Notice Inviting Electronic Tender- 2022 issued by the Executive Officer, Burdwan-I Panchayat Samity, Purba Bardhaman/respondent no 3.

The petitioner, represented by learned counsel, submits that the respondent no. 3 had issued an earlier tender on 17th October, 2022, which was subsequently recalled. The present tender was issued on 24th November, 2022. Counsel submits that the first tender contained a requirement of uploading bank drafts and other documents both online as well as physical submission of those documents whereas in the second tender, the requirement of uploading of the documents was removed altogether and the participants were asked to only physically submit the required documents. Counsel also submits that the Clause of uploading

online was omitted in the second tender only to favour the other bidders.

Learned counsel for the State is present. No one appears for the respondent no. 3 despite service.

The petitioner does not have any case before the Writ Court for the relief sought for. Admittedly, the petitioner has chosen not to participate in the second tender. Having foregone the same, the petitioner cannot come to the Writ Court to allege discrimination or the conditions in the second tender being tailor-made to favour the other bidders. Simply by alleging that the omission of the clause requiring uploading of documents online would result in favouring the other bidders is not only speculative but also bereft of any causal connection between the omission and the alleged discrimination. Moreover, the petitioner cannot claim any vested right in respect of a tender as decided in *(2014) 3 SCC 760 (Maa Binda Express Carrier and another Vs. North-East Frontier Railway and others)*.

In any event, the successful bidder is yet to be announced and hence the argument that the second tender has been issued to favour the other participating bidders is untenable and is hence rejected.

WPA 26834 of 2022 is accordingly dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)

