

28th November, 2022
(D/L No.51)
(SKB)

W.P.A. 9222 of 2020

PB Udyog represented by its
Sole Proprietor Sri Bivas De
Versus
The State Bank of India and others

Mr. Prantick Ghosh,
Mr. Prasad Bhattacharyya
... for the petitioner.

Mr. Debashis Saha
... for the Bank.

The writ petition has been filed challenging the non-participation of the petitioner in an e-Auction issued by the State Bank of India. The petitioner put in the EMD (Earnest Money Deposit) on 29th September, 2020 and the auction was held on 5th October, 2020.

The grievance of the petitioner is that the petitioner could not participate in the e-Auction by reason of technical difficulties. The petitioner also submits that the EMD put in by the petitioner was not returned by the Bank.

The document before the court shows that the petitioner was aware of the terms in the tender declaring that the tenderer and the independent agency who were in-charge of conducting the e-Auction would not be liable for any failure on the part of the bidder on the e-Auction platform due to loss of internet connectivity or

any other similar kind of problems. The tender conditions also provided that the bidder would have to first approach the independent agency for any problems faced during the conduct of the e-Auction.

The Bank Account Statement shows that the EMD amount was returned to the petitioner on 10th November, 2020. The successful bidder was appointed in October, 2020 itself.

This court is, hence, of the view that after two years, there can be no relief which can be given to the petitioner now. The petitioner has also not been able to make out a case for relief in terms of the e-Auction.

W.P.A.9222 of 2020 is accordingly dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)