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Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A. 172 of 2022

M/s. Amit Kumar Sharma & Anr.
-versus
State of West Bengal & Ors.

Mr. Jagriti Mishra
Mr. Subham Gupta
Mr. Debayan Goswami
...For the petitioner

Mr. Subir Kr. Saha
Mr. Bikramaditya Ghosh
... For the State
Ms. Sidhi Sethia
... For the respondent Nos. 7 & 8

Ms. Rima Sarkar
... For the respondent Nos. 5 & 6

The matter arises out of an e-tender process initiated by the West Bengal State Warehousing Corporation.

One of the documents that was required to be submitted for participating in the tender process is the Income Tax Return for preceding three Financial Years 2018-19, 2019-20 and 2020-21. The petitioner failed to supply the Income Tax Return for the Assessment Year 2018-19. The bid of the petitioner stood disqualified at the technical evaluation stage.

According to the petitioner, as he submitted the current return for the Assessment Year 2021-22, the return for the Assessment Year 2018-19 becomes inconsequential. The documents relied upon by the petitioner are better documents and the authorities can get a better picture of the financial stability of the petitioner.

According to the petitioner, the respondent authorities diluted the conditions required and clarified in the technical bid stage that if the Income Tax Return for the Assessment Year 2021-22 i.e., the current year is submitted, then there is no requirement for filing the Income Tax Return for the Assessment Year 2018-19. The submission of the petitioner is not, however, borne out the records.

On the contrary, document has been produced by the respondent authority to show that the petitioner was not represented in the pre-bid meeting held on 7th October, 2021.

As the submission of the petitioner that there was some clarification at the technical bid stage with regard to the documents which were required to be filed by the participants is not supported by records, accordingly, the said submission of the petitioners cannot be accepted by the Court.

The prayer of the petitioner for conducting the process afresh and his alternative prayer for consideration of his case along with the other successful bidders cannot be accepted by the Court.

The writ petition fails and is hereby dismissed.

The photocopy of the attendance sheet of the pre-bid meeting held on 7th October, 2021 be retained with the records.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, after completion of all legal formalities.

(Amrita Sinha, J.)