

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A. 183 of 2022
(vie video conference)

V. N. Enterprise
-versus
The State of West Bengal & Ors.

Md. Shahansha Firdoush Alam
Mr. Bikash Singha
...For the Petitioner.

Mr. Hirak Barman
Mr. Momenur Rahman ...For the State

Mr. Raja Saha
Mr. Bedashruti Bose
... For SJDA

Pursuant to a tender floated by the Siliguri Jalpaiguri Development Authority for certain work orders as mentioned in the Notice Inviting Quotation published in the daily newspaper on 8th June, 2019, the petitioner participated in the tender process. The petitioner was issued an offer letter on 9th July, 2019 and the petitioner was intimated that its order has been accepted and the petitioner was intimated to deposit Rs. 7,53,225/- + G.S.T. Rs.1,35,581/- totaling to Rs.8,88,806/- as the first year's instalment and to execute the agreement before finalization of the work order.

Learned advocate appearing on behalf of the petitioner submits that 50% of the quoted amount amounting to Rs.3,76,612/- and G.S.T. Rs. 67,791/- was deposited by the petitioner on 10th July, 2019.

The petitioner is aggrieved as the work order was not issued in his favour.

The petitioner has annexed an Office Order dated 16th September, 2019 which mentions that due to administrative reason the Notice Inviting Quotation and the Offer Letter has been cancelled.

The petitioner thereafter, made representation on 30th December, 2020 wherein it has been mentioned that the petitioner already spent Rs.31 lakh and a further amount of Rs. 3 lakh and odd for setting up the Unipole Structure. The petitioner thereafter gave reminders to the Executive Officer of the Development Authority praying permission for completion of the project. The prayer of the petitioner not being considered has approached this Court for relief.

Learned advocate representing the Siliguri Jalpaiguri Development Authority submits, upon instruction, that the Notice Inviting Quotation as well as the Offer Letter in favour of the petitioner stood cancelled way back in September 2019. No right accrued in favour of the petitioner as formal agreement was not executed between the parties. It has further been submitted that fresh work order was issued for completion of the said work.

Learned advocate, however, has not got any instruction as to why the amount that was paid by the petitioner was not refunded on account of cancellation of the work order.

It appears from the submission made on behalf of the parties that the Notice Inviting Quotation stood cancelled in September 2019 and the Development Authority has invited fresh quotation.

As no agreement was executed in favour of the petitioner and the work order was cancelled, accordingly, the petitioner will be entitled to take refund of the money that has been deposited in accordance with the Offer Letter.

As the Notice Inviting Quotation and the Offer Letter has already been cancelled, no direction can be issued for reviving the same at this stage.

The prayer of the petitioner for refunding of the money deposited by him shall be considered by the Siliguri Jalpaiguri Development Authority and steps shall be taken for refund of the said money at the earliest, but positively within a period of eight weeks from the date of communication of the copy of this order.

As the Notice Inviting Quotation was cancelled for administrative reason and for no fault of the petitioner, accordingly, the money deposited by the petitioner shall be refunded with interest at the rate of 10% per annum to be calculated on and from the date of depositing the same till the date of refund.

It is made clear that in the event, the money is not refunded within the time limit mentioned hereinabove the petitioner shall be entitled to an additional interest at the rate

of 2% over and above the interest that has been mentioned hereinabove.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)