

22.06.2022
Ct. 5
D/L (J) 1
ab

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

WPA 1469 of 2022
(Through Video Conference)

M/s Corporate Wave Builders & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Kallol Bose,
Mr. Nilanjan Pal,
Mr. Samik Sarkar,

... for the petitioners

Mr. Anirban Ray,
Mr. Nilotpal Chatterjee,
Mr. Debraj Sahu

... for the State

The petitioners are aggrieved by a letter of 15th June, 2022 issued by the Irrigation and Waterways Directorate, Government of West Bengal. By the said letter, the petitioners' representation of 14th June, 2022 was rejected.

The dispute relates to the alleged non-fulfilment of the criteria in notice inviting 'e'-Tender relating to protection along the left bank of river Daina in Nagrakata, Jalpaiguri.

The petitioners state that the private respondent was selected as the highest bidder despite non-fulfilment of the terms of the 'e'-Tender by the private

respondent. The petitioners also raise objection regarding other non-compliance of the terms of the bid by the private respondent. The petitioners accordingly seek restraint on the private respondent from proceeding with the tender.

The State opposes the prayer.

After considering the tender documents annexed to the notice inviting 'e'-Tender issued by the Irrigation and Waterways Directorate, Government of West Bengal, it appears that under Clause 15.4-Process of Technical Evaluation during tender-within 24 hours from uploading of the summery sheet containing Preliminary Technical Qualification result, any of the aggrieved bidders may seek clarification or review from the concerned authority on the list of bidders in writing along with supporting documents. Admittedly, the result of the preliminary technical bid was uploaded on 8th June, 2022. The petitioners made the representation on 14th June, 2022, which is after six days. The submission made on behalf of the petitioners being unaware of the relevant period and pleading in respect thereof presently does not find place in the representation of the petitioners dated 14th June, 2022.

This Court is of the view that the impugned rejection by the letter dated 15th June, 2022 is strictly in accordance with the terms of the tender and cannot be faulted. The prayer of restraining the private

respondent from proceeding with the tender also cannot be granted in view of the aforesaid reason.

WPA 1469 of 2022 is accordingly dismissed without any order as to costs.

(**Moushumi Bhattacharya, J.**)