

APOT/97 2022
IA NO: GA/1/2022, GA/2/2022
with
WPO/1925/2022

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

MADHUBAN MOTORS PRIVATE LIMITED AND ANR.
VERSUS
BENGAL CHEMICALS AND PHARMACEUTICALS LIMITED

BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
THE HON'BLE JUSTICE MD. SHABBAR RASHIDI
DATE : 2ND SEPTEMBER, 2022

APPEARANCE:

Mr. Jishnu Saha, Sr. Advocate
Mr. Shounak Mukhopadhyay, Advocate
Ms. Ankita Choudhury, Advocate
... for appellants.
Mr. Subhabrata Chowdhury, Advocate
..for Respondent

The Court: Affidavit in opposition and affidavit in reply are taken on record.

This appeal is at the instance of the writ petitioner challenging the order of the learned single Judge dated 8th April, 2022 whereby WPO/1925/2022 has been dismissed.

The appellants had approached the Writ Court aggrieved with the cancellation of Notice Inviting Expression of Interest with the plea that the appellant was the highest bidder. Learned single Judge after examining the matter by making certain observations has dismissed the writ petition.

Learned counsel for the respondent has pointed out that subsequent to the order of the learned single Judge, fresh bids were invited and the contract has been awarded, hence, undisputedly nothing survives on merit in this appeal.

Limited submission of learned counsel for the appellants is that certain observations have been made by the learned single Judge in the impugned order which may prejudice the appellants in future.

Learned counsel for the respondent does not dispute that there was no exchange of affidavits before the learned single Judge and the observations have been made only on the basis of the oral submissions.

Hence, we find that the observations made in the order under appeal are tentative, only for the purpose of deciding the writ petition.

With the aforesaid clarification, we dispose of the present appeal and the connected applications.

(PRAKASH SHRIVASTAVA, C.J.)

(MD. SHABBAR RASHIDI, J.)

sm/pa