

Ct. 05
Item No.15
22.02.2023
(Suvendu)

WPA 12 of 2023

**JPG Agritech Private Limited & Anr.
Vs.
West Bengal State Warehousing Corporation and Ors.**

Mr. Debabrata Saha Roy
Mr. Subhankar Das
.....for the petitioners

Mr. S.N.Mookherji, Ld. AG,
Mr. Kamalesh Bhattacharya
Mr. Anindya Bhattacharya
Mr. N. Chowdhury
.....for the WBSWC

Mr. Srijib Chakraborty
Ms. Priyanka Kundu
.....for the Respondent no.6

It is clear from an order passed by this Court on 16th February, 2023 in presence of learned counsel appearing for all the parties that this writ petition was kept today only because of its identity with WPA 8 of 2023. This was a stated position of the parties as on 16th February, 2023. WPA 8 of 2023 was dismissed today by an order passed by this Court. Hence, nothing remains in the present writ petition.

In any event, the contention of the petitioners that the private respondent no. 6 has failed to upload mandatory documents becomes

irrelevant in the broader framework of the tender conditions including Clause 8.1.4 which authorizes the Tender Committee to call for persons to supplement their documents. Even if this has not been done in the present case, the submission that the documents not uploaded would automatically disentitle a bidder stands diluted by Clause 8.1.4.

It must also be stated that the basis of the writ petition which is a Financial Bid Opening Summary dated 30th December, 2022 does not show any reason, prima facie or otherwise, for the writ court to interfere in the tender.

Learned counsel appearing for the petitioners seeks to add to this document by a document enclosed by the respondent in its affidavit-in-opposition which is in any event not sufficient for interference.

WPA 12 of 2023 is accordingly dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)

