

16.02.2023
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Sl. No. 15
Ct. No. 05

WPA 1593 of 2023

Rafikul Islam
-Versus-
The State of West Bengal & Ors.

Mr. Srikanta Datta
..... for the petitioner
Ms. Manali Ali
.....for the State

The petitioner is aggrieved by a rejection dated 11th January, 2023 in respect of a tender floated by the Block Development Officer, Dakshin Dinajpur on 8th December, 2022 for construction of a boundary wall under the concerned Gram Panchayat of the Harirampur Development Block.

Learned counsel appearing for the State submits that the petitioner did not furnish the Bill of Quantities as was required to be done to assess the eligibility of the petitioner.

It appears that the rejection was due to “*non submission of estimate of the submitted credential*” which are the words used for rejecting the petitioner’s bid. The reason for rejection is however not backed by any of the terms of the tender documents.

Clause 6(a) under eligibility criteria for participation in the tender only mentions credentials of the bidder in the last five years from the date of issue of the Notice of at least one work of similar nature. The

reason given for the petitioner's rejection cannot be correlated with Clause 6(a) or any of the other terms of the tender documents.

Hence, WPA 1593 of 2023 is disposed of by quashing the impugned rejection and directing the respondent No. 5 being the BDO, Harirampur Block to consider the documents which may be furnished by the petitioner within a period of seven days from date. The concerned authority shall consider these documents and be at liberty of testing the eligibility of the petitioner for the particular tender within a period of two weeks from the date of receiving the documents from the petitioner.

Needless to say, this order shall not have any impact on any other decision taken by the authority in respect of the tender.

(Moushumi Bhattacharya, J.)