

31 19.04.2023
RP Ct.No. 1

FMA 328 OF 2022
With
IA No.CAN 1 of 2022

New Luxmi Press & Anr.
vs.
State of West Bengal & Ors.

Mr. Rudraprasad Matilal ... for Appellants

Mr. Samrat Sen, Sr. Adv.
Mr. Amitava Mitra

... for State

1. This intra-Court appeal is directed against the order dated 10th January, 2022 passed by the learned Single Bench in WPA No.19122 of 2021. In the said writ petition the writ petitioners challenged the decision of the Assistant Superintendent of R.G. Kar Medical College and Hospital rejecting the technical bid of the appellants submitted pursuant to a notice inviting tender published by the said medical college.

2. The learned advocate appearing for the appellants would submit that as per the stipulation contained in the notice inviting tender the registered partnership deed of the petitioners' firm had to be uploaded which the appellants had complied with but thereafter it was stated that the registration certificate should have been furnished. It is submitted that this not being a requirement as per the notice inviting tender, the appellants' technical bid ought not to have been rejected.

3. The learned Single Bench after taking note of the

facts of the case found that the tender has already been issued to a third party on 24th November, 2021 and, therefore, the relief sought for cannot be granted. The order and direction issued by the learned Single Bench cannot be faulted since by the time the writ petition was heard the tender had already been allotted in favour of a third party on 24th November, 2021. Therefore, we find no grounds to interfere with the order passed by the learned Single Bench. In the result, the appeal and the connected application stand **dismissed**.

4. It is made clear that this order shall not put any bar on the appellants from participating in fresh tenders that may be floated by the said institution subject to the satisfaction of the eligibility condition.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)