

24th February, 2023
(D/L No.6)
(SKB)

W.P.A. 3578 of 2023

Subhasish Banerjee
Versus
State of West Bengal and others

Mr. Kishore Datta,
Mr. Rahul Kumar Singh,
Mr. Ankan Das
... for the petitioner.

Mr. Debasish Ghosh,
Mr. Debraj Saha
... for the State.

The petitioner is aggrieved by an order of debarment passed by the Superintending Engineer (A-1), Bankura (Agri-Irrigation) Circle, Bankura, being the respondent no.6. The debarment is till 30th June, 2023.

After hearing learned counsel appearing for the petitioner and the State respondents, it appears that the impugned order gives the petitioner liberty to appeal before the Chief Engineer-II, Khadya Bhavan, who would act as the designated appellate authority for reconsideration of the impugned order.

This court is of the view that the petitioner should first exhaust the alternate remedy before approaching the writ court. The petitioner shall be sufficiently protected if the appellate authority is directed to consider and dispose of the appeal within 48 hours from the date on which the petitioner files the appeal.

The other apprehension of the petitioner, namely, that the petitioner will be deprived from participating in twenty other tenders floated by respondent authority, is also addressed by giving liberty to the petitioner to participate in the said tenders. However, this liberty shall not translate to any equity in favour of the petitioner.

All parties shall have their respective recourses to the applicable law in the facts of the case.

W.P.A.3578 of 2023 is accordingly disposed of in terms of the above.

(Moushumi Bhattacharya, J.)