

18th May, 2023
(D/L No.26)
(SKB)

W.P.A. 7529 of 2023

Traintech Electronics Private Limited and another
Versus
Union of India and others

Mr. Shubradip Roy
... for the petitioners.

Mr. Swatarup Banerjee,
Mr. Atarup Banerjee,
Ms. Anamika Pandey
... for the respondent nos.1 to 6.

1. The affidavit of service is taken on record.
2. The petitioners, participated in a tender, floated by the respondent no.2/Chittaranjan Locomotive Works (CLW) on 26th August, 2022, seeks a direction on the said respondent no.2 to take a decision on the financial bids received from the tenderers in respect of the said tender.
3. The petitioners, through learned counsel, also say that the CLW should be restrained from floating a new tender, since the petitioner no.1 has already disclosed its price bid in the earlier tender which was floated on 26th August, 2022, the apprehension being that the petitioners will be in a position of disadvantage, in the event, a new tender is floated by the CLW.

4. The apprehension is misplaced since the petitioners were not the only participant in the tender floated in 26th August, 2022. All other bidders had presumably disclosed their price bids. There is nothing on record to show that the CLW is proceeding to float a new tender. This is only a submission made by counsel appearing for the petitioners.
5. The court does not have the mandate to either issue a direction on CLW to proceed with the existing tender or to restrain CLW from floating a new tender. This is entirely a commercial decision, which CLW is entitled to take as a Tendering Authority.
6. There is nothing to show that the petitioners will be prevented from participating in a new tender, as and when a new tender is floated. Most important, there is also no arbitrariness or *mala fides* brought on record which would warrant the interference of the court.
7. W.P.A.7529 of 2023 is accordingly dismissed for the above reasons.
8. There will be, however, no order as to costs.

(Moushumi Bhattacharya, J.)