

Item No.6  
11.05.2023  
Court. No. 19  
GB

WPA 9449 of 2023

Sanat Kumar Sarkar  
Vs  
The State of West Bengal & Ors.

*Mr. Gangadhar Das,  
Mr. Tanmoy Chattopadhyay*

*...for the Petitioner.*

*Mr. Jahar Lal De,  
Mr. Rudranil De*

*...for the State.*

The petitioner challenged the e-tender notices being e-NIT Nos.01, 02 and 03 of 2023-24 on various grounds. The clauses in the tender notices which required deposit of earnest money in cash in the panchayat office, was one such challenge.

According to the petitioner, the concept of a transparent and competitive e-tender is frustrated when a scope for human intervention is provided. The officials of the gram panchayat were likely to favour some persons.

Mr. De, learned Additional Government Pleader was requested by the Court to come back with instructions as, prima facie, the Court was of the view that an e-auction or e-tender should be completely guided by electronic transfer of funds.

Today, Mr. De has handed over a corrigendum dated April 19, 2023 issued by the Pradhan of Mahishbathani Gram Panchayat by which the e-NIT Nos.01, 02 and 03 of 2023-24 and their respective memorandum, were cancelled.

A copy of the corrigendum is taken on record.

The writ petition is disposed of as the grievance of the petitioner has been met.

It is made clear, that in future the process must be duly followed as per the rules and government notifications.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**