

18.05.2023

sayandeep

Sl. No. 11

Ct. No. 05

WPA 12182 of 2023

Sandip Halder

-Versus-

The State of West Bengal & Ors.

Mr. Swarup Paul

Mr. Surya Maity

Mr. Gurusaday Dutta

Mr. Anish Roy

..... for the petitioner

Mr. Nilotpall Chatterjee

Mr. Amrita Lal Chatterjee

.....for the State

The petitioner has challenged a Clause in a tender floated by the ESI Hospital, Manicktala for supply of cooked diet at the said Hospital. According to learned counsel appearing for the petitioner, Clause 4(xiii) is arbitrary as it requires the agency/bidder to have an annual turnover of Rs. 2 crores in each of the three financial years 2020-2021, 2021-2022 and 2022-2023 failing which the bid will be rejected. Counsel submits that this amount is too high.

Learned counsel appearing for the ESI, Hospital points to a Corrigendum dated 12.05.2023 which shows that a Pre-Bid Meeting is scheduled to be held today, i.e., 18.05.2023 at 12 p.m. where any grievance raised by the bidders, including that raised in the present writ petition, will be considered by the authorities.

Although counsel appearing for the petitioner raises an apprehension as to the fate of the

representation to be made at the Pre-Bid Meeting today, this Court is of the view that such apprehension is speculative and there may not be any basis at all for the same. The petitioner can well ventilate his grievance in the Pre-Bid Meeting and decide the future steps to be taken accordingly.

Needless to say, the ESI Hospital, Manicktala will deal with and dispose of any representation which may be made by the petitioner at the Pre-Bid Meeting today. Since affidavits are not been called for, the allegations contained in the writ petition, are deemed not to have been admitted.

WPA 12182 of 2023 is accordingly disposed of in terms of the above.

(Moushumi Bhattacharya, J.)