

May 18, 2023
Sl. No.3
Court No.19
s.biswas

WPA 12207 of 2023

Hoque Enterprise
vs.
The State of West Bengal and others

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya
... for the petitioner
Mr. Raja Saha
Mr. Amit Kr. Ghosh
... for the State
Mr. Sakya Sen
Mr. Sunil Gupta
Mr. Hasibul Islam
... for the Murshidabad Zilla Parishad

The petitioner is aggrieved by the extension of time to submit the e-auction documents as per the corrigendum issued by the Murshidabad Zilla Parishad from May 5, 2023 to May 18, 2023 till 6.00 p.m.

According to Mr. Kamalesh Bhattacharya, learned advocate for the petitioner, by such extension of time, the zilla parishad was allowing its favourite candidates to submit the bid documents, belatedly. Further contention is that the participants, who did not have two years experience, would be allowed to upload their documents by making up the deficiency in the two years experience clause, by gathering experience during the period between May 5 and May 18, 2023.

First and foremost, the tender committee has an independent right and the authority to defer the

dates for any reason whatsoever. Of course, such reason should not be mala fide or unreasonable.

Mr. Sen, learned advocate appearing for the Murshidabad Zilla Parshad submits that a new clause with regard to experience had been introduced, in the e-auction notice. Many participants who had experience on earlier occasions did not have requisite certificates. Thus, when these persons applied before the authority for issuance of certificates, the authority required some time to verify their past performance before issuing such certificates. Thereafter certificates were issued. For such exercise, some time had been consumed. Hence, in fairness to all, the time for filing the documents was extended up to May 18, 2023.

This Court is of the view that the decision was neither arbitrary nor irrational.

It is, however, made clear that experience of two years would not include any work executed between 5th May and 18th May, 2023, just to make up the short fall of two years. Reliance on any work which is executed between 5th May and 18th May, 2023, shall not be relevant for the instant e-auction.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

Let plain copy of this order duly countersigned by the Assistant Registrar (Court) be given to the petitioner on usual undertakings.

(Shampa Sarkar, J.)