

29.05.2023

WPA 12878 of 2023

**Ske-Infrastructures (JV) & Ors.
-Vs-
The Eastern Railways & Ors.**

Vacation Bench

Ms. Sonal Shah
Mr. Kushagra Shah

... for the Petitioners

The petitioners have filed the present writ application challenging the action of the respondent authorities by not considering the technical bid of the petitioners though the petitioners had submitted the certificate issued by the Kolkata Municipal Corporation (Licence Department) which is valid till 31st March, 2024.

Learned Counsel for the petitioners submits that by way of a *Whats App* message dated 16th May, 2023 it was informed to the petitioners that the technical commercial bid of the petitioners has been found technically unsuitable though the petitioners has submitted all the required documents but the authorities have not considered the same.

Learned Counsel for the petitioners submits that immediately on the very next date i.e., 17th May, 2023 the petitioners had submitted a representation, which has also not been considered.

The petitioners allege that on the 16th May, 2023, the technical bid was open and the on the very next

date, i.e. 17th May, 2023 the respondent authorities have proceeded with the financial bid without giving any opportunity to the petitioners and without considering the representation of the petitioners.

Learned Counsel for the petitioners submits that till date the authorities have not issued any Letter of Indent to any of the tenderer and, at this stage, if the respondents are not restrained from giving any work order to any third party without considering the request of the petitioners, the petitioners will be badly prejudiced.

Considered the submissions made by Learned Counsel for the petitioners.

The petitioners have served copy of the writ application to the respondents and files Affidavit-of-service.

In spite of service of notices, none appears on behalf of the respondents.

This Court finds that on 16th May, 2023, the respondents have been informed that technical bid of the petitioners were unsustainable and thus the financial bid was not considered. But on the very next date the respondents have considered the financial bid of the other tenderer without considering the representation made by the petitioners.

In view of the above, this Court is of the view that the writ petition can be disposed of by directing

the authorities to consider the representation of the petitioners dated 17th May, 2023 within 10 days from the date of receipt of the copy of this order and until the final decision is taken in the representation dated 17th May, 2023, no work order shall be issued to any of the tenderer, if not issued.

WPA 12878 of 2023 is **disposed of** accordingly.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

(Krishna Rao, J.)