

D/L. 31.
July 14, 2023.
MNS.

WPA No. 16398 of 2023

Khagemba Transmission and Construction
and another
Vs.
State of West Bengal and others

Mr. Anindya Halder

... for the petitioners.

Mr. Tamal Tanu Panda

...for the State.

Mr. Debjit Mukherjee,
Mrs. Susmita Chatterjee

... for the WBSEDCL.

Learned counsel for the petitioners seeks to move the writ petition on the ground of urgency, since the financial bid is scheduled to be opened on July 17, 2023, that is, the next working day.

An adjournment is sought on behalf of the State.

Since there is extreme urgency, such adjournment is refused and the matter is taken up for hearing today. Moreover, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) is the primary contesting respondent

in the matter, since it was the Tender Issuing Authority in the tender, which is impugned in the writ petition.

At the outset, learned counsel for the WBSEDCL hands over copies of certain documents, which apparently comprise of a communication by the petitioners dated July 3, 2023 indicating that the said petitioners, upon the rejection of the petitioners' technical bid, sought for release of the original bank guarantee issued by the petitioners in terms of the tender.

It is submitted by the WBSEDCL that, complying with such request, the bank guarantee has already been released.

As such, at this juncture, the petitioners cannot resile from such position and move the writ petition.

Upon a perusal of the documents handed over in court today, which are made a part of the record, it is evident that the petitioner lost the petitioners' right to participate in the tender after the rejection of the technical bid of the petitioners, particularly, since the petitioners have, of their own volition, withdrawn the bank guarantee furnished by the petitioners in terms of the tender clauses.

In such view of the matter, since the petitioners do not controvert such state of affairs, the petitioners have lost their right to challenge the tender.

Accordingly, WPA No. 16398 of 2023 is dismissed.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)