

D/L. 18.
October 19, 2023.
MNS.

WPA No. 19281 of 2023
+
CAN 1 of 2023

Sandip Halder
Vs.
The State of West Bengal and others

Mr. Saptansu Basu,
Mr. Swarup Paul,
Mr. Surya Maity,
Mr. Guru Saday Dutta,
Mr. Anish Roy

... for the petitioner.

Mr. Somnath Ganguli,
Mr. Balarko Sen

...for the State.

Mr. Arjun Roy Mukherjee,
Ms. Saheli Mukherjee

...for the proposed added respondent.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned senior counsel appearing for the petitioner contends that the quotations given by the participants in the concerned tender process were for current rates. It is submitted that the outer limit of the tender was required to be 180 days, since the same coincides with the validity of the quoted rates.

3. It is also argued that since a representation regarding certain irregularities in the tender process have been given by the petitioner, the same be considered by the Tender Issuing Authority.
4. Learned counsel for the applicant in CAN 1 of 2023, who is one of the other participants in the tender process, seeks to be added as a party.
5. Since the said applicant is a necessary party as his rights would be affected by the outcome of the writ petition, CAN 1 of 2023 is allowed, thereby impleading the proposed added respondent as a party to the writ petition.
6. Learned counsel for the petitioner is directed to make necessary consequential corrections in the cause title of the writ petition.
7. Learned counsel for the added party submits that since the writ petitioner seeks a representation to be considered by the authorities, the persons / entities against whom allegations were levelled in the representation are required to be impleaded as a party to the writ petition, which has not been done.

8. That apart, it is argued that there is no provision in the tender document for such representation being considered by the authorities.
9. Heard learned counsel for the parties.
10. The petitioner has raised certain grievances in his representation. Even if there is no specific provision in the tender process to consider any such representation, instead of a post mortem after the tender process is over, the petitioner has sought a biopsy rather than an autopsy by pointing out certain perceived irregularities.
11. It is no doubt that in the event any order is passed or the representation is considered, the respondent authorities are definitely required to give an opportunity of representations/hearing to all the persons against whom allegations have been levelled in the said representation.
12. However, for the ends of justice and to ensure transparency in the tender process floated by the State authorities, it would be appropriate if the representation of the petitioner is duly considered by the authorities.

13. As far as the other aspect of the concerned matter, there is justification in the contention of the petitioner that since the quotations given by the participants were for a period of 180 days, the tender process ought to be concluded before that period in order to ensure that the tender does not become infructuous.

14. Hence, WPA No. 19281 of 2023 is disposed of by directing the respondent authorities to consider the representation of the petitioner within three weeks from date by giving an opportunity of representation / hearing to the petitioner as well as all the entities against whom the allegations have been made in the representation.

15. The outcome of the said consideration shall be intimated to the participants immediately thereafter.

16. That apart, the respondent authorities shall also ensure that the tender process shall be finalized as expeditiously as possible thereafter, positively by November 17, 2023.

17. There will be no order as to costs.

18. 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.)