

09 04.05.2023
 RP Ct. No. 01
 AN

MAT 1411 of 2022
 with

IA No. CAN 1 of 2022

United Order and Supply Co-operative Society Limited
 Vs.

The State of West Bengal & Ors.

Mr. Satrajit Sinha Roy
 Ms. Amrita Maji

... For the appellant

Mr. Kalyan Kumar Chakraborty

... For respondent no. 5

Ms. Joyee Maiti

... For the State

1. This intra-Court appeal is directed against the order dated 01.07.2022 passed in WPA 2567 of 2021. The grievance of the appellant pertains to a notice inviting e-tender for cooked dietary supply dated 10.12.2014. From the report in the form of an affidavit of the Medical Superintendent Cum Vice Principal, Burdwan Medical College and Hospital, Burdwan, it is seen that the original tender was invited on 10.12.2014 in which the private respondent was declared as the lowest bidder and tender was awarded in his favour for a period of three years till 31.07.2017. After completion of the said e-tender, till fresh tenders were called for, the private respondent was directed to supply the cooked dietary items. Fresh e-tender was floated on 15.01.2018. However, there was only one bidder viz. the private respondent. Thereafter, the e-tender was floated was floated on 05.10.2018 in which five persons

participated. Three of the bids submitted were found technically qualified and the private respondent was selected as the successful lowest bidder by order dated 05.10.2018. The work order was issued on 23.11.2021. The petitioner which is a cooperative society has filed the writ petition challenging the entire process. Firstly, the appellant would have no locus standi to question the correctness of the second e-tender as the appellant did not participate in the second e-tender. Even attempt has been made before this Court to state that fresh e-tender dated 05.10.2018 was not widely published. This submission is not acceptable at this distance of time at the instance of the cooperative society when the appellant appears to be in full knowledge of all the information. Thus, attempt of the appellant is to take advantage of the delay in issuing work order to the private respondent. The challenge essentially was made to e-tender which was invited in the year 2018 and at this distance of time, challenge cannot be made.

2. Hence, we find no grounds to interfere with the order passed by the learned Single Bench and as a result, the appeal fails and is **dismissed**. Consequently, the connected application also stands dismissed.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)

