

Item No.12

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

15.09.2023
Ct-24
AGM

WPA 21326 of 2023

Samrat Engineering Company & Anr.
v.
The State of West Bengal & Ors.

Mr. Raj Mohan Chatteraj
Ms. Debanwita Pramanik
... for the petitioners.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhon Majumdar
... for the HMC.

Mr. Rabindra Kumar Jaiswal
... For the private respondent no. 1.

Affidavit-of-service filed today in Court be kept
with the records.

Leave is granted to the learned advocate for the
petitioners to implead the Howrah Municipal
Corporation and the Commissioner, Howrah Municipal
Corporation as party respondents in the instant writ
petition.

The formality of serving a copy of the writ petition
upon the added respondents stands dispensed with as
learned advocate has already entered appearance on
behalf of other officers of the Howrah Municipal
Corporation.

The matter relates to e-tender notice published by the Howrah Municipal Corporation on 3rd August, 2022 and the second call e-tender notice dated 10th January, 2023.

The petitioners participated in the tender process and allege that their bids have been illegally and arbitrarily rejected.

Learned advocate for the petitioners submits that the manner in which the bids have been rejected is contrary to the guidelines of the Corporation. The petitioners have been forcefully thrown out from the site where they were continuing with their work. Fresh tender was awarded last week.

The petitioners through their legal representative filed representation before the Superintending Engineer of the Corporation on 3rd November, 2022 and 27th April, 2023.

None has been taken up for consideration.

Without entering into the merit of the claim of the petitioners as it appears that the representation filed on behalf of the petitioners challenging arbitrary rejection of their bids is pending consideration before the Corporation, accordingly, the instant writ petition is disposed of by directing the Commissioner or the Deputy Commissioner, Howrah Municipal Corporation to consider the representation and decide the issue in accordance with the prevailing guidelines of the Corporation after hearing the submissions made on behalf of all necessary parties including the persons in whose favour the tender has been awarded being the private respondent nos. 1 and 2 in the instant writ petition.

The parties will be entitled to rely upon all documents in support of their claim.

A decision shall be taken in the matter at the earliest but positively by 29th September, 2023.

Learned advocate for the petitioners is directed to intimate this order to the Commissioner, Howrah Municipal Corporation at once.

Mr. Rabindra Kumar Jailwal, Enrolment No. WB/633/1989 appears on behalf of private respondent no. 1 Aishwarya Construction and Projects. Leave granted to file vakalatnama on behalf of the aforesaid private respondent by 19th of September, 2023.

None appears on behalf of Sandip Automobiles private respondent no. 2.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)