

19.09.2023
Item No.12
gd/ssd

WPA(P)/491/2023
PROLAY MITRA
VS
UNION OF INDIA AND ORS.

Mr. Tarunjyoti Tewari
..for the Petitioner.

Md. T.M. Siddiqui,
Mr. T. Chakraborty,
Mr. S. Adak
..for the State.

Mr. Biplab Ranjan Bose
..for the Respondent No.11.

Mr. Tanmoy Chowdhury
..for the Respondent Nos.14 to 16.

1. By this public interest litigation the petitioner points out that the respondent nos.14, 15 and 16 who do not fulfill the basic requirements for participating in a tender invited by the Bansberia Municipality, namely, the 11th respondent has been allotted work by the 11th respondent and when the matter was pointed out, the Municipality is said to have cancelled the work allotted in favour of the respondent nos.14, 15 and 16.

2. The allegation against the 14th respondent is very serious inasmuch as the 14th respondent is stated to produce certain documents showing that they have completed certain works of similar nature to the extent indicated in the notice inviting tender.

3. On verification more particularly pursuant to the complaints given by the petitioner, it was ascertained that the documents produced by the 14th respondent were fake. However, all that the Municipality has done to cancel the work orders issued in favour of the 14th respondent and also cancel the work orders issued in favour of the 15th and 16th respondents as they did not commence the work. If a fake document has been produced by the 14th respondent, the court fails to understand as to why no steps have been taken by the Municipality to blacklist the 14th respondent. In fact, the matter has assumed seriousness and as it had been reported to the Chief Secretary, Government of West Bengal and a communication has been issued by the Sub-Divisional Officer, Sardar Sub-Division to the 12th respondent on 11th August, 2023 to conduct an enquiry and submit an action taken report.

4. This direction is yet to be complied with by the Executive Officer, namely, the 12th respondent.

5. In the light of the above, the tenders should not be awarded to the respondent nos.14, 15 and 16 and there will be a direction to the respondent nos.11 and 12 to conduct the enquiry and submit an action taken report in terms of the directions issued by the Sub-Divisional Officer, Sardar Sub-Division dated

11th August, 2023 within a period of three weeks from the date of receipt of the server copy of this order.

6. With the above observation, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)