

M/L. 33.
October 9, 2023.
MNS.

WPA No. 23363 of 2023

Bindu Singh
Vs.
The Union of India and others

Mr. Chirantan Sarkar,
Mr. Niraj Kumar Singh

... for the petitioner.

Mr. Siddhartha Lahiri,
Ms. Debjani Ghosal

...for the Union of India.

1. Affidavit-of-service filed in Court today be kept on record.
2. The petitioner has raised an important issue as to there being no nexus between the pre-qualification criteria for bidders and the work contemplated under the impugned tender.
3. Whereas the tender was floated primarily for the purpose of supply of drinking water at different places by water tanker under the port areas, the pre-qualification criteria, *inter alia*, contemplated experience in civil engineering or plumbing and sanitary works which have no nexus whatsoever with the purpose of the contract.

4. However, in the present case, the petitioner has already participated in the impugned tender process and has turned out unsuccessful. In fact, the work order has been issued in favour of the successful bidder in the meantime.
5. In the event the petitioner is permitted to challenge the terms of the tender after having participated and coming out unsuccessful, it would open an unnecessary floodgate.
6. In any event, the petitioner cannot be permitted to so challenge, having accepted the terms of the tender by participation in the same and taking a chance after becoming unsuccessful in the tender process.
7. Hence, on such ground alone, the writ petition ought not to be entertained by this Court.
8. Accordingly, WPA No. 23363 of 2023 is dismissed without any order as to costs.
9. 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.)