

Item No. 06

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.10.2023
Ct-24
A.G.M.

WPA 23730 of 2023

Sanat Kumar Sarkar
v.
The State of West Bengal & Ors.

Mr. Gangadhar Das
Mr. Tanmoy Chattopadhyay
... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Rudranil De
... For the State.

Leave is granted to rectify the typographical error in the prayer portion of the writ petition. The impugned annexure is 'Annexure P-5'.

The petitioner is aggrieved by the act on the part of the Mahishbathani Gram Panchayat under Old Malda Panchayat Samilty in issuing notice-inviting e-tender dated 27th September, 2023.

Specific case of the petitioner is that the notice inviting e-tender is contrary to the Memorandum no. 3975-F(Y) dated 28th July, 2016 issued by the Finance Department, Audit Branch, Government of West Bengal.

The petitioner highlights several illegalities in the said notice inviting e-tender.

None represents the Gram Panchayat.

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

It appears from the impugned notice that the last date for receiving the bids online is 6th October, 2023.

The notice inviting e-tender has reportedly not been given wide publicity. The fifteen days' notice period has also not been maintained.

In the absence of the Gram Panchayat, it is not possible for the Court to decide the issue conclusively.

The Court accordingly thinks it fit to refer the issue to the Block Development Officer, Old Malda Development Block to consider the grievance of the petitioner in accordance with law and take necessary remedial steps, if required.

A decision shall be taken in the matter after giving an opportunity of hearing to the petitioner and the Panchayat authority at the earliest but positively by 6th of October, 2023.

The parties are directed to act on the basis of the copy of the order which will be available in the official website of this Court.

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.)