

Item No.12

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.10.2023
Ct-24

WPA 24346 of 2023
Habibur Rahman & Anr.
v.
The State of West Bengal & Ors.

Mr. Usof Ali Dewan
Mr. Asif Dewan
... for the petitioners.

Mr. Amal Kumar Sen, Ld.AGP
Mr. Lal Mohan Basu
... for the State.

The matter relates to a notice inviting e-tender being no. 16/DGP/2023-2024 floated by the Dadpur Gram Panchayat on September 13, 2023.

The petitioners allege that the Panchayat authority, without the relevant documents, accepted the bid of the private respondents even though there is a specific mention that the said respondents do not have the valid authorization. Apart from the authorization, there are other documents which are wanting from the private respondents.

The Panchayat on October 7, 2023 accepted the bid of the private respondents but rejected the bid of the petitioners though, according to the petitioners, all the parties lie in the same footing.

The petitioners rely upon the resolution adopted by the “Ortho o Porikolpona Upasamiti” dated October 4, 2023 in support of their submission.

The matter was mentioned yesterday for taking up the same on urgent basis. Copy of the writ petition has been served upon the State respondents by hands service and upon the other respondents through electronic mail. The State is represented, but the others are not. In the absence of the answering respondents especially the Gram Panchayat and the persons whose bids were accepted, the Court is not in a position to adjudicate the issue effectively.

The petitioners apprehend that the financial bid may be opened very soon and work order may be issued frustrating the claim of the petitioners.

In view of the urgency pleaded before this Court, the Court is of the opinion that the matter may be looked into by the Block Development Officer, Beldanga-II Development Block being the respondent no. 5 herein. The aforesaid respondent shall give an opportunity of hearing to the representative of the Panchayat, and the private respondents and thereafter take a decision in the matter.

The Block Development Officer is directed to consider the matter at the earliest but positively by October 19, 2023. Reasoned order shall be passed and communicated to all the parties immediately thereafter.

Till the matter is finally decided by the Block Development Officer, the Panchayat is restrained from issuing the work order in favour of the successful bidders.

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.

Sh

(Amrita Sinha, J.)