

WPA 25355 of 2022

Subhash Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Subhas Chandra Atha
Ms. Payel Paramanik ...for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. Srikanta Paul ...for the State.

Mr. Sanjay Saha ...for WBMDTCL.

Heard learned counsels for the parties.

The petitioner has prayed for re-consideration of his prayer made before the concerned authority for acceptance of the bid amount.

Upon participation in an e-auction process floated by the authority for grant of long term mining lease, the petitioner was declared highest bidder and deposited 10 per cent of the reserve price as earnest money before the authority.

It is submitted on behalf of the petitioner that the petitioner was unable to deposit the bid amount due to his illness and approached the authority by a letter dated 25th March, 2022 for accepting such amount. In reply thereto, the petitioner was informed by a letter issued on 25th April, 2022 that due to non-payment of the bid amount by the petitioner for a considerable period of time, the e-auction

and award of contract in favour of the petitioner was cancelled vide Memo dated 17th October, 2017. Record reveals that the award of contract was issued in favour of the petitioner on 24th November, 2016.

Learned counsel for the petitioner submits that there is no cogent explanation to justify the delay of about six years in submitting the application before the concerned authority. The application was submitted only on 25th March, 2022. The allotment made in favour of the petitioner was cancelled on 17th October, 2017.

No explanation being given by the petitioner for the delay, this Court is inclined to hold that the authority was absolutely justified in cancelling the contract of the petitioner and there is no illegality or irregularity in the order impugned, which requires interference by this Court.

The writ petition, being devoid of any merit is liable to be dismissed.

Accordingly, the writ petition being WPA 25355 of 2022 is dismissed.

However, there shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)