

Item No.16

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

22.11.2023
Ct-24

WPA 26006 of 2023
Sarwar Jaman
v.
State of West Bengal & Ors.

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee
... for the petitioner.

Mr. Arka Kumar Nag
Mr. Ritesh Kumar Ganguly
... for the State.

The bid of the petitioner stood rejected in the technical evaluation stage on October 25, 2023 on account of non-submission of credentials in accordance with the notice inviting tender.

The petitioner submitted his bid in respect of the Arsenic Treatment Unit (ATU). The notice inviting tender requires submission of documents in respect of similar nature of work performed by the bidder. The documents of similar type of work to be tendered at the time of submission of the bid are "Sajal Dhara or Sajal Dhara+ Work (any kind)/ATU." The petitioner has annexed document to show that he performed the work of maintenance of Solar Sajal Dhara under Jalangi Panchayet Samity.

The petitioner submits that as the tender document specifically mentions that work of any kind in connection with Sajal Dhara may be treated as similar type of work, accordingly, the certificate in favour of the petitioner in support of his work executed for

maintenance of solar Sajal Dhara ought to be considered as the document in connection with similar type of work.

The petitioner submits that the rejection is illegal and not in accordance with the notice inviting tender.

Further submission of the petitioner is that the documents submitted by the bidders have not been uploaded in the official portal maintained by the respondent authority for the reasons best known to them.

Objection was put in by the petitioner before the Block Development Officer on October 30, 2023. The same is yet to be disposed of. The petitioner is, however, not aware as to whether the work order has been issued in favour of any tenderer.

Learned advocate representing the respondent authorities submits that the petitioner ought to have approached this Court at an earlier date. The rejection was made known to the petitioner on October 25, 2023, whereas, the present writ petition has been affirmed on November 16, 2023.

It has further been submitted that the reason for rejection has been made known to the petitioner. The authority rejected the bid of the petitioner as the petitioner failed to produce any document with relation to similar type of work executed by him.

It has been submitted that work order has been issued in favour of the successful bidder on October 30, 2023.

Upon hearing the parties and upon perusal of the documents placed before this Court it appears that the

petitioner submitted the objection on October 30, 2023 in response to the rejection on October 25, 2023. The objection was put in at the very first stage. The authority concerned ought to have considered the objection of the petitioner prior to finalizing the bid.

Prima facie, it appears that the document relating to execution of the maintenance work of solar Sajal Dhara will fall under the expression of 'work of any kind in connection with Sajal Dhara'.

In view of the above, the Block Development Officer is directed to revisit the documents filed by the petitioner and consider the objection submitted on October 30, 2023 by giving an opportunity of hearing to the petitioner.

The documents submitted by the bidders are liable to be uploaded in the official portal immediately.

If the Block Development Officer is of the opinion that the grievance of the petitioner is genuine, then necessary remedial steps shall be taken by the concerned officer in accordance with law.

Hearing shall be conducted at the earliest but positively by November 29, 2023 and reasoned order shall be communicated to the petitioner by November 30, 2023.

The writ petition stands disposed.

The Block Development Officer is directed to act on the basis of the server copy of this order duly uploaded in the official website of this Court.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)