

Item No.4

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

24.11.2023
Ct-24

WPA 26242 of 2023
Hareram Bera & Ors.

v.

The State of West Bengal & Ors.

Mr. Dilip Kumar Sinha
... for the petitioners.

Ms. Amrita Panja Moulick
... for the State.

The petitioners allege illegalities on the part of the Baishanabchak Gram Panchayat in proceeding with the notice inviting tender being e-N.I.T. 5/CFCG-tied/2023-2024 dated November 3, 2023 and notice inviting tender no. e-N.I.T.-6/CFCG-United & Tied/2023-2024 dated November 3, 2023.

It has been submitted that the mode and manner of payment of the cost for obtaining bid documents and for submission of the earnest money deposit is contrary to the guidelines relating to tenders published by the State of West Bengal.

Specific allegation is that despite repeated attempts, the petitioners were not permitted to obtain the bid documents upon payment of cash. The petitioners also were not permitted to submit the earnest money deposit by cash.

Objection was filed before the Pradhan of the Gram Panchayat on November 9, 2023 and to the Block Development Officer on November 10, 2023 with notice demanding justice on November 16, 2023.

According to the bid documents, the date of publication of the tender is November 3, 2023 and the period of time for downloading of bidding documents was from November 3, 2023 to November 10, 2023. Last date for submission of the bid was November 10, 2023 at 1 p.m. The date and time for opening the technical bid was November 17, 2023 at 1-30 p.m. and the date and time for opening financial bid was November 17, 2023 at 2 p.m.

According to the petitioners, the Work Order is yet to be issued.

It has been submitted that as the petitioners were prevented by the act of the respondents in participating in the tender process, accordingly, an opportunity ought to be given to the petitioners to place their bids.

None represents the Gram Panchayat.

Affidavit-of-service filed in Court today is taken on record.

Learned advocate representing the State respondents is yet to receive instruction in the matter.

As it appears that the objection filed by the petitioners is pending consideration at the end of the Block Development Officer, Kolaghat Block, accordingly, the instant writ petition is disposed of by directing the concerned Block Development Officer to take immediate steps to enquire the allegations of the petitioners and if it appears that the grievance of the petitioners is genuine, then necessary remedial measures shall be taken by the Block Development Officer.

A decision shall be taken in the matter after giving reasonable opportunity of hearing to all the necessary parties at the earliest but positively by November 29, 2023.

A reasoned order shall be passed and communicated to all the parties by December 30, 2023.

The Block Development Officer and all other parties are directed to act on the basis of the server copy of this order duly downloaded from 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.)