

Item No.52

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

20.12.2023
Ct-24

WPA 28517 of 2023
Sarah Construction & Ors.
v.
The State of West Bengal & Ors.

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

Mr. Lalit Mohan Mahata
Mr. Ziaul Haque
... for the State.

The petitioners participated in the tender process floated by the Pradhan of the Gram Panchayat. His bid was cancelled at the technical evaluation stage. The petitioner is aggrieved by the same.

It has been submitted that the Pradhan did not have the authority to float the tender without the resolution adopted by the Artho o Parikalpona Upa-Samity.

The petitioners submit that they are in receipt of all documents required for participating in the tender process. The bid of the petitioner was illegally and erroneously rejected by the authority without taking into consideration all documents submitted at the time of putting in the bid.

From the tender document it appears that the date of opening of the technical bid was December 9, 2023. The petitioners submit that the same was opened on

December 15, 2023. The financial bid is yet to be opened.

None represents the Panchayat.

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

The Block Development Officer has filed a report before this Court mentioning that the technical bid of the petitioners did not contain the up to date EEP challan copy and proper estimate duly vetted and signed by the Pradhan and Nirman Sahayak as regards the past credentials of work performed.

The petitioners submit that the Block Development Officer, acting in collusion with the Pradhan of the Gram Panchayat, has ignored to consider the documents submitted by the petitioner. The petitioners pray for engaging an independent authority to decide the issue.

Learned advocate representing the Block Development Officer opposes the submission of the petitioners.

Be that as it may to decide the issue once and for all, the Sub-Divisional Officer, Jangipur is directed to consider the case after taking into consideration the submission of the petitioner that the Pradhan did not have the authority to float the tender and if the Pradhan was competent to float the tender, then all documents submitted by the petitioner online at the time of filling the tender documents shall be considered.

A decision shall be taken by the Sub-Divisional Officer after hearing the petitioners and the other

necessary parties at the earliest but positively by December 29, 2023.

If the Sub-Divisional Officer is of the opinion that there has been any procedural defect, then necessary remedial steps shall be taken.

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.)