

AD-11
Ct No.09
22.02.2024
TN

WPA No. 844 of 2024

M/s. Maa Kali Enterprise
Vs.
The State of West Bengal and others

Mr. G.F. Hossain,
Ms. Priyanka Mondal,
Ms. Varsha Roy

.... for the petitioner

Mr. Biswabrata Basu Mallick, Ld. AGP,
Mr. Tamal Taru Panda

.... for the State

Mr. Ambu Bindu Chakraborty

.... for the respondent no.8

- 1.** Affidavit-of-service filed today be kept on record, which indicates that proper service has been effected on the added respondent.
- 2.** It transpires that in serial no. 5 of the general terms and conditions of the disputed tender, the work experience was enumerated to be of similar nature and magnitude in one work.
- 3.** It is relevant to mention that the contemplated work under the tender was divided under 9 serial numbers.
- 4.** The petitioner was held to be successful by the tender inviting authorities with regard to the serial no. 1 but was rejected on the ground of technical lapses in the credentials. The stand taken by the tender inviting authorities was that

the petitioner had produced the same previous experience credential for all the 9 works whereas separate credentials were required to be given.

- 5.** However, from a close scrutiny of the tender document, there can be found nothing to indicate that the bidder had to produce separate credentials for different and distinct previous experiences for each of the serial numbers of work contemplated in the tender.
- 6.** Hence, since the petitioner was found to have given correct credentials for one of the serial numbers, the respondents were duty-bound to accept the same credentials for all the serial numbers and proceed on the premise that the credentials of the petitioner were properly given.
- 7.** In such view of the matter, upon hearing learned counsel for the parties, WPA No. 844 of 2024 is allowed on contest, thereby setting aside the rejection of the petitioner's credentials for the item nos.2 to 9 contemplated in the impugned tender and directing the respondents to proceed on the premise that the credentials furnished by the petitioner in connection with the tender are proper and adequate in terms of the tender document for the works contemplated under all the serial numbers from 1 to 9.

- 8.** The respondent-authorities shall forthwith proceed on such premise and conclude the tender process as expeditiously as possible.
- 9.** Consequentially, the subsequent tender dated January 05, 2024 floated in connection with the same set of works excepting Item no. 10 therein by the respondent-authorities cannot be sustained.
- 10.** Accordingly, the said tender dated January 05, 2024 with regard to serial nos. 1 to 9 also stands hereby cancelled.
- 11.** All steps consequent to the rejection of the petitioner's credentials relating to serial nos. 2 to 9 are also hereby quashed and reversed.
- 12.** There will be no order as to costs.
- 13.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)