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26.02.2024  
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IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

W.P.A. No. 993 of 2024

United Order And Supply  
Co-operative Society Limited  
Vs.  
The Union of India & Ors.

Mr. Satrajit Sinha Roy  
... for the petitioner

Mr. Dhiraj Trivedi,  
Mr. Arunava Ganguly  
...for the Union of India

Mr. Tapas Kumar Banerjee,  
Mr. Shamba Chakraborty  
...for the respondent nos. 2 to 4

Mr. Sagar Bandyopadhyay,  
Ms. Soma Kar Ghosh,  
Mr. Arabinda Pathak  
...for the respondent no. 5

1. Affidavit-of-service filed in Court today be kept on record.
2. The petitioner was a bidder in a tender floated by the respondent-authorities for the purpose of supplying cooked diet to Government Hospitals.
3. It is argued that the rejection of the technical bid of the petitioner was communicated to the petitioner after work order being issued to the successful bidder. That apart, learned counsel points out to his reply to the reasons furnished by the respondent-authorities for the rejection. The

reason given was apparently that the quality of food supplied by the petitioner previously was not up to the mark, which is refuted by the petitioner by placing reliance on the petitioner's reply and other documents. A progress certificate is also relied on by the petitioner in that regard.

4. Learned counsel appearing for the respondent-authorities as well as the private respondent point out at the outset that the petitioner preferred two previous writ petitions on similar grounds. One of those was rejected, which was affirmed up to the appellate Court.

5. Learned counsel for the petitioner seeks to distinguish the said writ petitions on the grounds and causes of action of the same and the present.

6. Be that as it may, also on merits, it is well-settled that the decision of the Tender Inviting Authority is final as to the qualitative assessment of the bids given by particular bidders. It is the employer who ultimately has to assess whether or not to adhere to certain standards for the work contemplated in a tender document.

7. In the present case, even going by the premise that two views could have been taken on the basis of the materials before the Tender Inviting Authority, either in favour of the petitioner's quality of food supplied or against it, since the respondent-

authorities have accepted one of the same and rejected the petitioner's tender on the ground of sub-standard quality, it is not for the writ court to enter into such domain of expertise of the respondent-authorities by interfering with the tender process.

8. Insofar as the rejection of the tender of the petitioner is concerned, the same is alleged also to have been uploaded in due time.

9. In such view of the matter, W.P.A. No. 993 of 2024 is dismissed on contest without, however, any order as to costs.

10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)