

-vs-

The State of West Bengal & Ors.

Mr. Sarwar Jahan,
Mr. Sayantan Hazra,
Mr. Kaustav Roy,
Ms. Tapati Sarkar

....for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Ziaul Hoque

....for the State.

1. The petitioner is aggrieved by two decisions, in respect of two NITs dated 11th December 2023, of the Tender Evaluation Committee of the Belaimari Gram Panchayat.
2. The first of which is for installation of Mark II tubewell near Kuddus house at Ajijtola and the second one is for construction of train with soak pit and CC road from Mojubur house to wadud house at Dewantala.
3. The petitioner in both cases was the L1 bidder. However, the tender committee rejected the petitioner's bid on the ground that he did not submit the rate analysis for the amount quoted.
4. The NIT as explained by the counsel for the parties and as understood by this Court stipulated that if a person quoted less than 15% of the rate prescribed in the NIT, he would have to give a rate analysis along with the quotation.

5. Admittedly, petitioner quoted 14.99% less than the base rate prescribed in the NIT in both the tenders. The requirement of giving rate analysis, if the bidder quoted less than 5% of the prescribed rate, is stipulated the corrigendum dated 21st December, 2023 is in respect of NIT dated 10th November, 2023 which is not the NIT which the petitioner quoted under.
6. Mr. Mahata, learned counsel for the State submits that, there is a mistake in the NITs dated 11th December 2023 as the same is contrary to rules of the government. In that view of the matter, the Court is of the view that the entire tender process is vitiated.
7. The Court did not call for any affidavits as the facts are admitted.
8. Let the two NIT's dated 11th December, 2023 issued by the Belaimari Gram Panchayat under Ratua-I Development Block, Malda stand cancelled.
9. The concerned Gram Panchayat shall be entitled to issue fresh NIT with sufficient notice to concerned parties and comply with all necessary publication processes to enable as many persons to participate in the tender process.

10. With the above observations, the writ petition stands disposed of without any order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Rajasekhar Mantha, J.)