

31.01.2024
Court No. 13
Item No. 105
AP

WPA 2204 of 2024

Tohidur Rahaman

Vs.

The State of West Bengal and Ors.

Mr. Amal Kumar Banerjee

.... For the Petitioner.

Mr. Rajarshi Basu

Mr. S.T. Mina

.... For the State.

1. The petitioner challenges the NIT dated 10th November, 2023 issued by the Paikar-II Gram Panchayat for construction of cultural stage at Bilashpur playground.

2. The said prayer is by itself negated by the writ petitioner's participation in the tender process.

3. The second grievance of the writ petitioner expressed on the bar is that his tender was rejected upon being submitted.

4. The reason disclosed by the respondents was that the writ petitioner's tender was in violation of the second set of terms and conditions as part of the NIT dated 10th November, 2023. The said terms and conditions at Clause 1 stipulates that the interested tenderer should furnish his tender form along with valid clearance certificate of professional tax, valid certificate of labour department, PAN Card, copies of original and credential certificates.

5. The rejection of the tender for non-submission of original documents, is argued as illegal under Clause 15 of the first set of terms and conditions. It is stipulated therein that verification of documents with originals will take place after the bidder is successful. It is submitted that this Clause is in contradiction of Clause 1 of the second set of terms and conditions.

6. If that be the case, the writ petitioner ought not to have participated in the tender in the first place. He should have raised the objection with the respondents immediately after notification of the NIT.

7. Having so participated in the tender process, the writ petitioner must be deemed to have understood the deemed to have purported of the terms and conditions that he was required to submit all relevant documents in original form or at least soft copies thereof for being verified subsequently.

8. The terms could also be interpreted as production of the original documents at the time of submission of tender along with copies and reproduction of the originals at the time if the writ petitioner was declared the lowest tenderer.

9. Be that as it may, the aforesaid issues become academic since the writ petitioner's main prayer is a challenge of the NIT in which he himself participated.

10. For the reasons indicated hereinabove, no relief can be granted to the writ petitioner.

11. Hence, the writ petition fails and hereby dismissed.

12. There shall be no order as to costs.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)