

31.01.2024
BP/Suman
Court No. 13
Sl. 106

W.P.A. 2233 of 2024

Basab Kumar Mondal & Ors.
Vs.
State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Mr. Baibhav Roy
..for the petitioners

Mr. Usof Ali Dewan
Mr. Asif Dewan
..for the respondent nos. 3 & 4

1. It appears that the petitioners challenge the tender process against serial no. 1 of the Notice Inviting e-Tender dated 22nd June, 2022.
2. The petitioners have a two-fold grievance.
3. Firstly, that the financial bid was opened after expiry of the validity of technical bid.
4. Secondly that the lowest tenderer, M/s. H.R. Construction by a letter dated 17th August, 2022, had withdrawn his technical bid. He, therefore, could not have been allowed in the financial bid evaluation stage. Therefore, his financial bid could not have been opened.
5. It appears from the record that M/s. H.R. Construction being a successful bidder has not been made a party respondent to this proceeding.
6. Learned counsel for the State submits that the petitioners had requested on 27th June, 2023 for

refund of earnest money which has already been done since it has been returned by the Municipality.

7. The petitioners having sought for refund of earnest money must be deemed to have withdrawn their interest in the entire tender process. The petitioners cannot, therefore, subsequently be allowed to question any award of tender or any issue arising out of the tender process.
8. For the reasons stated above, WPA 2233 of 2024 stands dismissed.
9. The request to the petitioners dated 27th June, 2023 is kept with the record.

(Rajasekhar Mantha, J.)