

Item No. 19

21.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 4123 of 2024
Mallick Construction & Ors.
v.
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
Mr. Sourav Mondal
... for the petitioners.

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
...for the respondent no. 3.

Mr. Samrat Sen, Sr. Adv., AAAG
Mr. Deepnath Roychowdhury
Ms. Manali Ali
... for the State.

The writ petition arises out of the notice inviting e-tender dated January 20, 2024 published by the Bainan Gram Panchayat.

The petitioners participated in the tender process and were unsuccessful. The tender process is over and it has been submitted, upon instruction that, the work order has been issued yesterday.

The grievance of the petitioners is that the objection filed by the petitioners before the Pradhan of the Gram Panchayat on February 6, 2024 alleging ineligibility of the private respondents in participating in the tender process has not been taken up for consideration.

As it appears that the tender process is already over, accordingly, no useful purpose will be served by keeping the writ petition pending.

The Block Development Officer, Bagnan-1, Howrah is directed to take a decision on the representation filed by the petitioners in accordance with law after giving reasonable opportunity of hearing to all the necessary parties including the representative of the Gram Panchayat and the successful bidder.

If it appears that the successful bidders were ineligible to participate in the tender process, then necessary consequential steps shall be taken by the Block Development Officer.

A decision shall be taken in the matter at the earliest but positively within a fortnight from the date of communication of this order and the same shall be communicated to the parties immediately thereafter.

The instant writ petition has been filed by four petitioners by depositing only one court fee. Learned advocate for the petitioners is directed to deposit the deficit court fees in respect of three petitioners in the course of the day, failing which the order passed herein shall be restricted only in respect of the petitioner no.1 and the writ petition shall be deemed to have been dismissed in respect of the others.

Leave granted to the learned advocate-on-record of the petitioners to implead the Block Development Officer, Bagnan-1, Howrah as party respondent in the instant writ petition. A copy of the writ petition shall be forwarded to the Block Development Officer at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)