

22.02.2024.
PB
Sl. No.9.

WPA 4566 of 2024

Ali Ahasan Sk
Vs
State of West Bengal & Ors.

Mr. Kallol Kr. Basu,
Mr. Golam Karim Chowdhury.
... For the Petitioner.

Mr. Pratip Kr. Chatterjee.
.....for the respondent nos.5&6.

Mr. Mihir Kundu.
.....for the respondent no.7.

Mr. Amal Kr. Sen, AGP
Mr. Jaladhi Das.
.....for the State.

The matter relates to settlement of Lohadaha
Ferry Ghat under Amlai Gram Panchayat.

The petitioner participated in the tender process
and was unsuccessful. After the result of the bid was
published, the petitioner filed the instant writ petition
alleging that the terms and conditions as mentioned in
the bid document is contrary to the terms and
conditions as was mentioned in the earlier tender
notice which was under scrutiny before this Court in a
separate writ petition.

Several other issues have been raised by the
petitioner namely, there wasn't wide publication of the

notice of auction and the panchayat accepted the bid after the date and time for submission of the bid was over.

From the schedule of events as published in the notice of auction, it appears that the notice was published on 5th February, 2024 and the last date for submission of the documents was 12th February, 2024. The approval date ended on 6th February, 2024.

It appears from the submissions made on behalf of the panchayat and the successful bidder that the bid has already been accepted. The rate quoted by the highest bidder is more than the prevailing rate of settlement of the earlier tenure. The work order has also been issued and 25% payment has been made by the successful bidder.

Upon hearing the parties and upon perusal of the documents, it appears that the primary ground for filing the present writ petition that there has been change in the terms and conditions of the auction does not appeal to the Court. The petitioner participated in the tender process after being fully aware of the terms and conditions mentioned therein. Had the petitioner been aggrieved by the change in the terms and conditions, he ought to have approached the Court immediately after the notice inviting auction was published. The very fact that the petitioner

participated in the tender process and being unsuccessful in the same filed the instant writ petition alleging discrepancy in the auction notice shows the mala fide intention of the petitioner in filing the writ petition. The panchayat has already accepted the part payment of the settlement amount from the successful bidder. The Court does not find any infirmity on the part of the panchayat.

The writ petition fails and is hereby dismissed.

Leave is granted to the learned advocate representing the private respondent and the panchayat to file vakalatnama in the department in course of this day.

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

(Amrita Sinha, J.)