

07 27.02.2024
NB Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 4575 of 2024

Md. Mozammel Hoque
Vs.
The State of West Bengal & Ors.

Ms. Shabana Hasin,
Mr. Mobaidur Hossaion,
Ms. Neha Roy.
..for the petitioner.

The petitioner participated in the tender process initiated by the Hariharpara Panchayat Samity. The technical bid of the petitioner stood rejected on 6th February, 2024. Immediately on 8th February 2024 the petitioner submitted objection. The same is yet to be considered.

The petitioner refers to the notice inviting e-tender wherein it has been mentioned that the result of the technical evaluation shall be made public on e-procurement system and there will be a period of 48 hours during which any bidder may submit complaint which shall be considered for resolution before opening the financial bid.

In the present case, it appears that the technical bid was opened on 6th February, 2024 and financial bid was opened on 7th February, 2024 i.e. 48 hours window that was left open for consideration of the complaint, if any, was not adhered to by the Panchayat Samity.

The Court has not been made aware as to whether any work order has been issued after acceptance of the bid.

As it appears that the objection filed by the petitioner is pending consideration for a considerable period of time, accordingly, the Executive Officer of the Panchayat Samity is directed to immediately consider the said objection in terms of the notice inviting e-tender and if required after giving reasonable opportunity of hearing to all the necessary parties.

If it appears that the grievance of the petitioner is genuine, then necessary remedial steps shall be taken by the Executive Officer.

The Executive Officer is directed to dispose of the complaint filed by the petitioner at the earliest, but positively within a period of 48 hours from the date of receiving a copy of this order along with the complaint filed by the petitioner.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)