

ADSL 01
27.02.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 5532 of 2024

**M/s. Bhagirathi Enterprise & Anr.
-versus
The State of West Bengal & Ors.**

**Md. Sarwar Jahan,
Mr. Sayantan Hazra,
Mr. Maidul Islam Kayal,
Mr. Anisur Rahman,
Ms. Tapati Sarkar.
...For the Petitioners.**

**Mr. Santanu Kumar Mitra,
Mr. Amartya Pal.
...For the State.**

The matter relates to the notice inviting pre-qualification-cum-tender published by the Executive Engineer, West Bengal State Rural Development Agency vide Memo No. 316/WBSRDA/JD/Road Works dated 24th January, 2024.

The petitioners participated in the tender process in respect of the work being construction of black top road, Bewa-II Ferarimore to Bewa-I Ghoraipara under Bewa-I, Farakka Block.

The technical bid was opened on 15th February, 2024 and the date for opening the financial bid is today (27.02.2024) at 2.30. p.m.

The evaluation of the technical bid was put up in the official website of the respondent authority on 24th February, 2024 at 8.40 p.m.

Upon publication of the details of the private respondent, the petitioners noticed that there were several infirmities in the candidature of the private respondent. The petitioners immediately filed an objection before the Executive Engineer on 26th February, 2024.

The petitioners apprehend that if the illegalities as pointed out by the petitioners in the representation are not considered then serious injustice could be caused.

The writ petition was filed today (27.02.2024) by obtaining leave at the first sitting of the Court. Copy of the writ petition was served in the office of the Government Pleader.

Learned advocate appearing for the State respondents is yet to receive instruction in the matter.

Submission has been made by the State that since the tender relates to public work, accordingly, the Court ought not to pass any interim order in the matter.

It appears from the submissions made on behalf of the petitioners as well as the State respondents that the objection filed by the petitioners challenging the candidature of the private respondent is pending consideration before the Executive Engineer.

The instant writ petition is, accordingly, disposed of by directing the Executing Engineer, West Bengal State Rural Development Agency being the respondent no.6 herein to consider the objection dated 26th February, 2024 filed by the petitioners in accordance with the tender documents and ascertain as to whether the infirmities as pointed out by the petitioners is genuine or not.

In the event the issues raised by the petitioners are found to be genuine, then necessary consequential steps shall be taken by the aforesaid respondent.

The aforesaid respondent shall consider the matter at the earliest, but positively within a period of 48 hours from the date of communication of the order along with the representation.

The aforesaid respondent is directed not to finalize the financial bid prior to the disposal of the objection filed by the petitioners.

Learned advocate appearing for the State respondents is directed to immediately communicate this order to the respondent no.6.

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.

(Amrita Sinha, J.)