

06 04.03.2024
NB Ct. 24

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

WPA 5808 of 2024

Ganga Chowdhury
Vs.
The State of West Bengal & Ors.

Mr. Md. Sarwar Jahan,
Mr. Shahen Shah,
Mr. Sk. Abumusa.
...for the petitioner.

Ms. Manali Ali,
Mr. Ayan Ray.
..for the State.

Mr. Mihir Kundu.
...for the respondent no.8.

Mr. Partip Kumar Chatterjee
...for the respondent nos.5&6.

The matter relates to settlement of Lohadaha Ferry Ghat. An auction process was conducted by the Amlai Gram Panchayat by publication of notice inviting e-auction on 5th February, 2024.

The bid documents which were statutorily required to be submitted at the time of submission of bid included the professional tax payment challan with professional tax registration certificate. The aforesaid documents were to be uploaded in the official portal as mentioned in the auction notice.

It appears that the petitioner, though uploaded the professional tax payment challan, but for reasons best known, the professional tax registration certificate was not uploaded.

Nirman Sahayak of the Gram Panchayat perused the documents filed by the petitioner but accepted the technical evaluation bid of the petitioner by observing that the mistake in not uploading the professional tax registration certificate was a silly one. The documents of the petitioner were, however, not accepted by the other members of the Committee.

From the documents annexed to the writ petition, it appears that the signature of the members of the Tender Committee have been made on 17th February, 2024 at 10.09.08 IST. The expression “accepted” is clearly seen to be struck off and the expression “rejected” inserted therein. The petitioner was intimated about the rejection on 17th February, 2024 at 10.09. IST. from e-mail ID eauction-nic@nic.in

The petitioner received a separate mail from the same e-mail ID on 19th February, 2024 at 15.32 IST intimating that the auction of the petitioner had been accepted during evaluation by the duly constituted committee. The communication mentions that in case of any clarifications or feedback, the petitioner may contact Auction Inviting Authority.

From the Auction Hall History, it appears that the bid of the successful bidder was accepted on 19th February, 2024 at 12.51.38 pm. The petitioner submits that the tender committee had already decided to accept the auction amount of the successful bidder and, accordingly, intimated the petitioner about acceptance of his auction after the auction was actually held.

The petitioner submits that the settlement is for a period of three years and there has been gross irregularity and illegality at the time of holding the auction.

The petitioner submits that a verbal objection was raised before the Block Development Officer. Admittedly, there is nothing on record to show that the petitioner objected to the acceptance of the bid amount of the highest bidder.

Learned advocate representing the highest bidder submits that the work order has been issued on 19th February, 2024 and 25% of the auction amount has already been deposited on the same date.

The present writ petition has been filed on 20th February, 2024. As it appears that the work order has already been issued in favour of the private respondent no.8, any order passed herein may be prejudicial to the said respondent. A formal complaint is yet to be lodged by the petitioner.

The petitioner is granted leave to file a formal complaint before the Block Development Officer along with supporting documents.

In the event any such objection is filed by 6th March, 2024, the same shall be considered by the Block Development Officer, Bharatpur-I Development Block strictly in accordance with the notice inviting e-auction after giving reasonable opportunity of hearing to the petitioner, the respondent no.8 and the Gram Panchayat.

If it appears that the allegation put forth by the petitioner is proper, then necessary remedial measures shall be taken by

the said officer. A decision shall be taken in the matter at the earliest but positively by 12th March, 2024.

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.)