

Item No. 03

28.03.2024
Ct-24
AGM

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8643 of 2024

Sandip Ghosh & Anr.
v.
State of West Bengal & Ors.

Syed Shamsul Arefin.
... for the petitioners.

Mr. Ansar Mondal.
Ms. Somashree Dey.
... for the State.

The petitioners participated in an auction process initiated by the Sasanga Gram Panchayat vide notice Inviting E Auction dated 20.02.2024.

The end date for documents/paper approval was 11.03.2024.

On the said date the petitioners were intimated that the earnest money deposit made by them has been rejected as all papers in connection with the auction was not submitted by them. It was intimated that the petitioners could not participate in the E-Auction on the scheduled date.

It was, however, intimated that in case of any clarifications or feed back the party may contact Auction Inviting Authority.

The petitioners submit that all necessary papers were duly submitted at the time of initial submission of the bid documents and the same was confirmed and intimated to the petitioners on 5th March, 2024. The petitioners ought to have been made aware about the documents which were wanting. Without disclosing the documents which the petitioners failed to submit, his auction papers ought not to have been rejected.

A representation was filed before the Pradhan of the Gram Panchayat with a copy to the Block Development Officer and the Sabhapati of the Panchayat Samity on 14th March, 2024. The same is pending consideration till date.

Learned advocate representing the State respondents is not ready with any instruction.

As it appears that the date of auction is long over, accordingly, the Court is not in a position to pass any order in the instant writ petition, save and except, that the Pradhan of the Gram Panchayat shall consider the representation dated 12th March, 2024 received by the Panchayat on 14th March, 2024 in accordance with law after giving an opportunity of hearing to all the necessary parties.

If any remedial measure is required to be taken, then the same shall be taken by the Auction Inviting Authority.

A decision shall be taken in the matter at the earliest but positively within 5th April, 2024.

The reasoned order shall be communicated to the petitioners immediately thereafter.

Learned advocate for the petitioners is directed to forward all documents in support of his participation in the E Auction at the time of communicating the order of the Court.

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.)