

Court No. 9

WPA 8813 of 2024

17.05.2024

(AD 36)

(S. Banerjee)

H. M. Enterprise

Vs.

State of West Bengal & Ors.

CAN 1 of 2024

Mr. Arabinda Sen

... for the petitioner

Mr. Rajarshi Basu

Ms. Subhasri Chatterjee

... for the State

In view of the relief sought in the application touching the merits of the writ petition, the writ petition as well as the application are taken up together for hearing.

Heard learned counsel for the parties.

The grievance of the petitioner is that the petitioner, in compliance of one of the requirements in the concerned tender for selection of private partner for establishment, operation, maintenance and management of FPMS services at Shantipur SJH under PPP mode, obtained a CPI endorsement from the Assistant Director of Drugs Control, Nadia District Drug Control Office, in respect of 15 CPI being endorsed in the license of the petitioner firm.

The requirement of the tender was that 15 persons have to comprise the license of the bidders.

It is argued that several representations were given by the petitioner to the respondent authorities to consider the same but having not been so considered, the instant writ petition has been preferred.

Learned counsel for the respondent authorities points out that separate marks were to be allotted on the said component as indicated by the petitioner. The cut-off date for submission of the bids was December 2, 2023. However, subsequently by an email dated February 20, 2024, the respondent authorities had given an opportunity to the petitioner to comply with the formalities by filing due documents by the next day, i.e., February 21, 2024 at 2 p.m. However, on February 23, 2024 the petitioner made an application before the respondent authorities for consideration but did not comply with the said clause of the tender.

It is pointed out by learned counsel for the respondents that the document annexed at page 9 of CAN 1 of 2024, which allegedly is in compliance of the said clause of the tender, is dated April 29, 2024 which is much later than the cut-off date of submission of such documents and even more than two months after

the opportunity was given to the petitioner by the authorities to make good the defect.

A bare perusal of the said document substantiates the contention of the tender inviting authorities.

Since it is evident that the document of CPI endorsements was obtained only on April 29, 2024 by the petitioner, which is much beyond the cut-off date of submission of bids and documents, the plea of the petitioner that the petitioner ought to have been taken within the zone of consideration in respect of awarding marks on such count cannot be accepted.

Thus, I do not find any irregularity or arbitrariness and/or unreasonableness in the action of the tender inviting authorities in not acceding to the representations of the petitioner on such score.

Accordingly, WPA 8813 of 2024, along with CAN 1 of 2024, is dismissed on contest without, however, any order as to costs.

(Sabyasachi Bhattacharyya, J.)