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08.04.2024
d.p.

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

W.P.A 9733 of 2024

**Akhtarul Hoque
-versus
The State of West Bengal & Ors.**

**Mr. Soumik Ganguli,
Mr. Sourat Nandy.
...For the Petitioner.**

**Mr. Sirsanya Bandopadhyay,
Mr. Ritesh Kumar Ganguly.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the Pradhan of the Kashimnagar Gram Panchayat.

The petitioner participated in the tender process in response to the notice inviting e-tender floated by the Kashimnagar Gram Panchayat.

In the tender document it was specifically mentioned that on behalf of the Artho-O-Parikalpana Upasamity, Kashimnagar Gram Panchayat, the Pradhan, Kashimnagar Gram Panchayat reserves the right to reject or cancel any or all pre-qualification documents without assigning any reason whatsoever.

The technical bid of the petitioner stood cancelled and the cancellation was uploaded in the official portal of the Gram Panchayat.

A photocopy of the technical e-evaluation bid summery in PQC method has been annexed to the writ petition. It appears that in the letterhead of the Kashimnagar Gram Panchayat there is a seal of Kashimnagar Gram Panchayat but the signature of the Pradhan is of Aurangabad-I Gram Panchayat.

The petitioner challenges the authority of the Pradhan of some other Gram Panchayat to reject the technical bid of the petitioner.

The petitioner immediately raised objection before the Block Development Officer on 12th March, 2024. The same is yet to be redressed.

Learned advocate appearing for the State authorities cannot satisfy the Court as to how the Pradhan of Aurangabad-I Gram Panchayat could take a decision to cancel the bid of the petitioner in respect of the tender floated by the Kashimnagar Gram Panchayat.

It has been submitted that the financial bid has thereafter been opened and work order was issued but work has not commenced till date.

The petitioner submitted his bid in respect of the serial no. 2 of the notice inviting e-tender where the time period for completion of work is mentioned as 45 days.

In the absence of the Gram Panchayat the Court is not in a position to decide the issue conclusively. The representation filed by the petitioner is pending consideration before the Block Development Officer, Suti-II for a considerable period of time.

Accordingly, the instant writ petition is disposed of by directing the Block Development Officer, Suti-II to consider the objection filed by the petitioner in accordance with law and in terms of the notice inviting e-tender after giving a reasonable opportunity of hearing to the necessary parties and thereafter, take remedial measures if the grievance of the petitioner appears to be genuine.

Steps shall be taken in the matter at the earliest, but positively within a period of ten days from the date of communication of this order but certainly before commencement of the work in question.

Learned advocate appearing for the petitioner is directed to forward a copy of the notice inviting e-tender, the technical bid e-valuation summary in PQC method and the objection dated 12th March, 2024 to the aforesaid respondent at the time of communicating the order of the Court.

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.)