

43w 09 24.05.2024
NB Ct. 24

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

WPA 9793 of 2024

M/s. M.T.L. Enterprise & Ors.
Vs.
The State of West Bengal & Ors.

Md. Salahuddin,
Md. Raziuddin.
...for the petitioners.

Mr. Santanu Kr. Mitra Id. SGA.,
Mr. Anupam Das Adhikari.
...for the State.

Mr. Pradip Kumar Tarafder,
Mr. Sambuddha Dutta.
...for the respondent nos.6,7&8.

The petitioners complain that two tenders floated by the Gram Panchayat being e-tender nos.24 and 29 in respect of work amounting to more than Rs.1,00,000/- each have not been published in the newspapers as required under law.

It has been submitted that a similar tender being e-tender no.28 stood cancelled because some of the bidders submitted forged documents. The same tenderers participated in the other two tender processes i.e. e-24 and e-29, but the Gram Panchayat did not cancel their candidature. On the contrary, the tender has been processed, work order issued and payment made in some cases.

Objection lodged before the Pradhan of the Gram Panchayat is alleged to be kept pending.

Learned advocate representing the Gram Panchayat denies the allegation of the petitioners. It has been submitted

that the tender has been advertised in the local newspapers as per the requirement of law. The Selection Committee selected the lowest bidder and work order has been issued and payment has also been made in certain cases.

On a perusal of the notice inviting e-tender dated 5th March, 2024 annexed to the writ petition, it appears that the time period for completion of the work was seven days. The tender was opened in the month of March, 2024 and the work order was issued in the same month. The writ petition has been filed on 4th April, 2024.

Since it appears that quite a number of works have been put to tender by the aforesaid e-tenders and as it has been submitted that no publication has been made and the Gram Panchayat accepted the candidature of the bidders who submitted forged documents, accordingly, the Court is minded to direct the Block Development Officer, Nakashipara Block to cause an investigation and ascertain as to whether the tender has been floated in proper manner or not.

An opportunity of hearing shall be granted to all necessary parties. If it appears that there has been any irregularity at the time of floating the tender or at the time of issuance of the work order, then necessary remedial steps shall be taken by the Block Development Officer.

It is expected that the Block Development Officer shall take prompt necessary steps in the matter and dispose of the same positively prior to any further payment being made to the bidders.

As the writ petition is disposed of without calling for any affidavits, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is made clear that the Court has not entered into the merits of the allegation of the petitioners and all points are left open to be decided by the Block Development Officer at the time of consideration of the objection filed by the petitioners.

Learned advocate for the petitioners is directed to forward a copy of the representation dated 27th March, 2024 to the aforesaid respondents 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.)