

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 16.07.2024
DELIVERED ON: 16.07.2024

CORAM:
THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA

M.A.T. 726 of 2024
With
IA No. CAN 1 of 2024
+
CAN 2 of 2024

Bhagirath Ghosh
Versus
M/s. Neogi Construction and Company & Ors.

Appearance:-

Mr. Samim Ahammed
Mr. Arka Maiti
Ms. Saloni Bhattacharya
Ms. Gulsanwara Pervin
Mr. Danishuddin Abbasi

.....For the Appellant

Mrs. Sucharita Roy
Mr. Subhendu Sengupta

.....For the State

Mr. Srijob Chakraborty
Mr. Sobhan Majumder
Ms. Kalpita Paul

.....For the Respondents

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

In Re.IA No. CAN 1 of 2024

1. We have heard the learned advocates for the parties.
2. There is delay of 112 days in filing the appeal. We have perused the affidavit filed in support of the petition and we find that sufficient cause has been shown for not being able to prefer the appeal within the period of limitation.

3. Accordingly, I.A. No.CAN 1 of 2024 is allowed and the delay in filing the appeal is condoned.

In Re. M.A.T. 726 of 2024

4. The private respondent no.8 in W.P.A. No.12872 of 2023 has filed this appeal aggrieved by the order and direction issued by the learned Single Bench by which the writ petition filed by the respondent herein was allowed.
5. We have heard the submissions of the learned advocates for the parties and we have gone through the reasons assigned by the learned Single Bench from paragraph 15 of the impugned order. The learned Single Bench had noted that there are several components to the challenge to blacklisting order passed against the writ petitioner and one was that the writ petitioner was allegedly ineligible for participation in the tenders of the year 2003 and 2007. Noting the facts, the learned Single Bench held that the past issues cannot be reopened.
6. Nextly, the learned Single Bench has taken into consideration the submissions of the appellant, who was the respondent no.8 in the writ petition alleging that the writ petitioners have committed fraud. This allegation was held to be not substantiated. Furthermore, the learned Writ Court noted that the writ petitioners successfully participated in the tenders floated in the year 2003 and 2007 and the private respondent/appellant before us did not raise any objection whatsoever, nor did anyone else at any point of time. Therefore, the observation of the learned Single Bench that the issue cannot be reopened is well-founded.
7. That apart, the learned Single Bench noting the tender conditions has interpreted the same and found that there was no necessary pre-condition regarding production of valid security licenses in the 2003 and 2007 tenders.
8. Furthermore, it was noted that the writ petitioners have had trade license at least since 2011 i.e. much before 2018 and even before 2014.

9. Thus, we find no ground has been made out to interfere with the order passed by the learned Single Bench.

10. Accordingly, the appeal and the connected application (CAN 2 of 2024) are dismissed.

11. No costs.

12. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)