

6th May,
2024
(AK)
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W.P.A 11778 of 2024

Sahalam Sk. alais Samrat
Vs.
The State of West Bengal and others

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
Mr. Soumik Dey
Ms. Tapati Saha

...for the petitioner.

Mr. Anirban Ray
Mr. Biswabrata Basu Nullick
Ms. Munmun Ganguly

...for the State.

1. Affidavit-of-service filed in court today be kept on record.
2. The petitioner participated in a composite tender process which contemplated several works. The allegation is that the technical bid opening date was December 8, 2023.
3. Subsequently, on December 26, 2023 all the bidders including the petitioner were called upon to produce certain documents for verification of hard copies thereof.
4. It is submitted that the same indicates that the petitioner's bid had not been rejected till then.

5. It is also argued that the issuance of the said communication was *de hors* the terms of the tender document.
6. Subsequently, however, the petitioner learnt that the petitioner's bid had been, with some other bidders, rejected.
7. The said tender summary report was uploaded on April 13, 2024.
8. Learned counsel disputes the veracity of such rejection, by citing the fact that even as on December 26, 2023, which is about 18 days after the technical bid opening date, letters were being issued to all the bidders including the petitioner for verification of their documents.
9. On a more serious level, the petitioner alleges that 11% cut money was asked for by the BDO, who was in charge of the operation for the tender process, which not being given, a backlash occurred by filing of complaints against the petitioner for which the petitioner was even arrested.
10. It is argued that due to such *mala fides* on the part of the authorities, the petitioner's bid has been rejected.
11. Learned counsel for the respondents controverts such allegations and submits that the petitioner

was never declared successful in the technical stage itself.

12. In order to ascertain the correctness of certain documents submitted by the bidders, all the tenderers were universally called upon by the communication dated December 26, 2023.
13. It is denied that any cut money was claimed from the petitioner; rather, the petitioner created a ruckus in the office of the BDO upon his bid being rejected, for which a complaint had to be lodged with the police, which resulted in the apprehension of the petitioner by the police.
14. Upon hearing learned counsel for the parties, it is evident that as per the tender document, December 08, 2023 was fixed at the technical bid opening date.
15. However, the date for original verification, technical evaluation and opening of financial proposal (online) was to be notified later as per the schedule of the tender as annexed at page-24 of the writ petition.
16. Therefore, when the petitioner along with all the other bidders were called on December 26, 2023, it is evident that the petitioner or anyone else had not been declared to be successful even at the technical

stage till that point of time since otherwise, all the bidders would not have been called.

17. Evidently also, the attempt of the tender inviting authorities in the letter dated December 26, 2023 was to further verify the documents produced by the bidders, which was obviously a part of the original verification and technical evaluation contemplated process in Item 7 of the schedule of the tender, the dates of which were to be notified later.
18. As per the tender summary report annexed at page-35 of the writ petition, the rejection of the petitioner's bid was uploaded on January 05, 2024 at 4.17 p.m.
19. Thus, I do not find any irregularity in the chronology and timelines of the said events to palpably vitiate the tender process on such count.
20. Insofar as the petitioner's purported representation to the respondents is concerned, the annexure at page-41 of the writ petition, which claims to be such representation, is undated.
21. Thus, it cannot be ascertained as to what document was posted to the respondent-authorities, regarding which postal status has been annexed at page-49 of the writ petition.

22. Thus, the petitioner has failed to prove beyond doubt that any cut money was claimed from the petitioner or that there was any irregularity in the tender process.
23. As such, there is no scope of interference in the writ petition.
24. Accordingly, WPA 11778 of 2024 is dismissed on contest without any order as to costs.
25. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)