

12.06.2024.
Court No. 13
Item No. 13
ap

W.P.A. No. 15281 of 2024

**Shrimanta Das
Versus
Union of India & Ors.**

Mr. Satrajit Sinha Roy.

...For the petitioner.

Mr. Arjun Ray Mukherjee,
Ms. Saheli Mukherjee.

...For the respondent no.7.

Sk. Md. Galib,

Ms. Sujata Mukherjee.

...For the State.

Mr. Saptangshu Basu, Id. Sr. Advocate,

Mr. Swarup Paul,

Mr. Abhishek Shaw,

Mr. Surya Maity,

Mr. Gurusaday Dutta,

Mr. Anish Roy.

....For the private respondents.

Mr. Sauvik Nandy,

Ms. Mary Dutta.

...For the UOI.

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

2. The petitioner is aggrieved by the tender awarded to the private respondent no.6 for the purpose of supply and service of "Cooked Diet for Indoor Patients" at ESI Hospital, Hooghly at Bandel, pursuant to NIT dated 7th November, 2023.

3. The petitioner participated in the tender process. Five bidders were short-listed based on the amounts quoted. The private respondent No. 6 was L1. The petitioner was L3.

4. Counsel for the petitioner would vehemently argue that the private respondent's quotation is not realistic and at best a manipulative one.

5. Having heard the Counsel for the respective parties and after carefully considering the entire documents on record, this Court is of the view that the private respondent may have succeeded on the basis of a prudent commercial decision. The same cannot be characterized as manipulation warranting any interference by the Writ Court.

6. The petitioner and all other bidders have been allowed to participate fairly in the tendering process by the TEC. This Court sees no infirmity in the decision making process. There is no arbitrariness or unfair action on the part of the respondents demonstrated by the petitioner.

7. In those circumstances, the instant writ petition must fail and is hereby dismissed.

8. There will be no order as to costs.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)