

18.06.2024.
Court No. 13
Item No. 9
ap

W.P.A. No. 15507 of 2024

**Sandip Kuila
Versus
Union of India & Ors.**

Mr. Sandip Kuila.

...Petitioner (In person).

Mr. Sauvik Nandy,
Ms. Amrita Pandey.

...For the UOI.

Mr. Amit Kumar Nag,
Ms. Pritna Bhaumik.

...For the respondent nos.2 to 7.

1. The petitioner challenges the notice inviting tender published by the Indian Oil Corporation Limited inviting technical bid for transportation of Indane LPG Cylinders in vertical position on unit rate basis Ex-Raninagar LPG Bottling Plant for Five Years under West Bengal State Office dated 17th May, 2024.
2. The writ petitioner claims that he could not participate in the tender in view of the fact that his tender would be rejected as the terms and conditions contemplated 100% reservation. The petitioner is in the General Category. It is argued by the petitioner that he had chosen not to participate till now as the same would be futile.
3. Counsel for the IOCL submits that in earlier proceedings instituted by the petitioner in respect of other NITs, a Single Bench and a Division Bench of this Court in MAT 1130 of 2024 have permitted the petitioner either to participate in the NIT or have

ordered that NIT would be subject to the result of the writ petition or the appeal. The IOCL also submits that the Oil Companies have been following the policy of the Central Government and there is no 100% reservation at all.

4. Since the petitioner is not represented by his Advocate today, he appears to be slightly handicapped.

5. In the above circumstances, this Court permits the petitioner to participate in the NIT in course of the day or by any extended date that the respondents IOCL may in its discretion permit the petitioner to participate. The tendering process under the subject NIT would abide by the result of the writ petition.

6. Let affidavit-in-opposition to the main writ petition be filed by the respondents within a period of two weeks from date. Reply, if any, thereto be filed one week thereafter.

7. Liberty is granted to the parties to mention the matter before the appropriate Bench, after exchange of affidavits.

8. The maintainability of the issue has only be dealt with prima facie. The respondents shall be at liberty to raise the issue comprehensively with better particulars at the time of final hearing.

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.)

