

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

HEARD ON: 20.11.2024

DELIVERED ON: 20.11.2024

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

F.M.A. 870 of 2024
With
I.A. No. CAN 1 of 2024

Siboram Bhatta
Vs.
State of West Bengal & Ors.

Appearance:-

Mr. Bikash Ranjan Bhattacharyya, Ld. Sr. Adv.
Mr. Sudipta Dasgupta
Ms. S. Chakraborty
Mr. Baibhav Roy

.....For the Appellant

Mr. Anirban Ray, Ld. G.P.
Mr. Biswabrata Basu Mallick, Ld. A.G.P.
Mr. Tanoy Chakraborty
Mr. Rezanul Hossain

.....For the State

Mr. Rishav Banerjee
Ms. P. Saha

.....For the Respondent No.5

Mr. Satadeep Bhattacharyya
Mr. Sumanta Ganguly

.....For the Respondent No.6

Mr. Sabyasachi Chowdhury
Mr. S. R. Kakrania

.....For the Respondent No.7

JUDGMENT

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

1. Affidavit of service filed in Court today be taken on record.
2. This intra-Court appeal by the writ petitioner is directed against the order dated 18th April, 2024 in W.P.A. 7987 of 2024. In the said writ petition, a rejection of a tender submitted by the appellant was challenged and the writ petition was dismissed.
3. The learned senior advocate for the appellant would fairly submit that the tender process was subsequently proceeded with and the private respondent has become the successful tenderer and the work order has been issued in favour of the private respondent.
4. However, it is the submission of the learned senior advocate that the findings rendered by the learned Single Bench in the impugned order should not be put against the appellant when the appellant participates in any other tender, which may be invited by the respondent/tender inviting authority or any other authority of the State of West Bengal.
5. It goes without saying that the terms and conditions of a tender are confined to the said tender and cannot travel beyond it. Therefore, if any finding has been recorded by the learned Single Bench affirming the decisions of the tender inviting authority in the subject tender, the same shall be confined only to the subject tender and cannot travel beyond the same.
6. Therefore, while disposing of this appeal, it is made clear that the observations made by the learned Single Bench while affirming the order passed by the tender inviting authority rejecting the bids submitted by the appellant is confined only to the subject tender and it shall not be put against

the appellant as and when they participate in a fresh tender, which may be invited by the respondent/State.

7. It goes without saying that in the event, the appellant participates in any other tender, the evaluation of the tender document should be independently done based on the terms and conditions of the said tender and any observation made by the learned Single Bench in the impugned order shall not be put against the appellant in such an event.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

I agree.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)