

29.07.2024

Sl.11. WPA 17673 of 2024

Suman

Ct.No.15 Shimul Music Circle and Anr.

Vs.

The State of West Bengal and Ors.

Mr. Parthan Pratim Roy
Mr. Samrat Chakraborty
..for the petitioners

Mr. Srijan Nayak
Mr. Atish Kumar Biswas
..for KMC

Mr. Ashim Kumar Ganguly
Mr. Bellal Shaikh
..for the State

The petitioners were engaged for the operation and maintenance of a pay and use toilet situated beside Institute of Child Health, Biresh Guha Street in Ward no.65, Borough-VII under the Kolkata Municipal Corporation.

It is the case of the petitioners that the Corporation has accepted the royalty charges for such engagement from the petitioners for last fifteen years. The petitioners assert that lastly the Corporation has accepted the royalty charges for the fourth quarter of financial year 2026.

It is the grievance of the petitioner that the Corporation has floated an e-tender for operation and maintenance of the pay and use toilet by a notice

dated June 28, 2024, in complete disregard to the engagement of the petitioners.

The Corporation, on the other hand, submits that the e-tender has been floated to implement a policy of the Corporation aimed at ensuring proper maintenance of the pay and use toilet and providing better service to users.

I do not find any fault in floating such a tender when the petitioners have failed to provide any document to suggest that the engagement of the petitioners has been extended beyond the period for which they have paid the royalty charges.

At the same time, I am not inclined to allow the Corporation to invite tender for the period during which the Corporation has accepted royalty charges from the petitioners.

Therefore, this writ petition is disposed of by not interfering with the tender process initiated by the Kolkata Municipal Corporation.

However, I make it clear that the Corporation shall not issue any tender in favour of the successful bidders for the period during which the Corporation has already accepted royalty charges from the petitioners.

Needless to mention that the petitioners will be at liberty to participate in the tender process.

With the aforesaid observations, **WPA 17673 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)