

02.04.2024
Court No.13
Item No.45
pk

WPA 17558 of 2023

**Sri Nirupam Chandra Das
Vs.
The State of West Bengal and Ors.**

Mr. Sukanto Chakraborty,
Sk. Zubair Ahmed

... for the petitioner.

Mr. Biswabrata Basu Mallick, Ld. A.G.P.

... for the State.

Mr. Arka Ranjan Bhattacharya

... for the private respondent.

1. Affidavit of service filed in Court is taken on record.

2. The writ petitioner questions the procedure adopted for award of Tender for “Cleaning and House-keeping Services and Services of Dome” at the office of the Principal, Jhargram Government Medical College and Hospital dated 02.03.2023. It is found that five bidders were eligible and quoted similar rates and therefore There were five L1s. In terms of Clause 7 of the tender conditions, allotment of work order was to be done on the basis of the “draw of lots” procedure.

3. It appears that the private respondent who is one of the L1 bidders, was awarded the tender in a meeting held by the Principal, Jhargram Government Medical College and Hospital. The procedure adopted by the

Principal in following G.O. No.2320 dated 07.06.2022 is clearly outside the scope of the NIT.

4. Counsel for the petitioner further submits that the private respondent, who was awarded the tender, produced a solvency certificate dated 09.01.2023. This is contrary to Clause 18 of the tender conditions which required the private respondent to produce solvency certificate for the period as on 02.03.2023.

5. Counsel for the respondents submits that initially tender was treated in January, 2023 in which the private respondent has submitted its solvency certificate and the same was used for subject process which is a re tender.

6. Having heard the counsel for the parties, this Court is of the view that the Principal, Jhargram Government Medical College and Hospital has followed an incorrect procedure after calling for a meeting of the five L1 bidders.

7. In those circumstances, the award of tender to the private respondent, S.M.S. Security Services shall stand terminated after the following process is adopted by the Principal, Jhargram Government Medical College and Hospital.

8. The Principal shall call all the five successful L1 bidders under the aforesaid tender process. In presence of all such bidders, “draw of lots” shall be conducted.

The bidder, who succeeds in the draw, will be issued work order for the balance period left in the tender process. The entire process shall be videographed.

9. Insofar as the participation of the private respondent, S.M.S. Security Services is concerned, the same shall be subject to production of an appropriate solvency certificate issued by his bankers as on the 02.03.2023. If no such solvency certificate is produced 72 hours before the date and time fixed for “draw of lots”, the private respondent S.M.S. Security Services shall not be entitled to participate in the “draw of lots”.

10. It is ordered that the aforesaid “draw of lots” is conducted on 17.04.2024 at 2.00 p.m. The Principal, Jhargram Government Medical College and Hospital shall notify all L1 bidders in writing, SMS, Whatsapp and via e-mail.

11. The private respondent S.M.S. Security Services shall be entitled to furnish their solvency certificate as indicated above immediately but not later than 72 hours before the date fixed for 17.04.2024. He shall however be entitled to payment for services tendered.

12. The work order to be allotted to the successful bidders in the draw of lots, shall be for the balance period of the tender i.e. from 19.04.2024 till 18.04.2026.

13. The documents produced by the State and the Principal, Jhargram Government Medical College and Hospital are kept with the records.

14. The writ petition is disposed of.

15. There will be no order as to costs.

16. 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.)