

WPA 21583 OF 2024

Amirul Sk. & Anr.

- Vs -

The State of West Bengal & Ors.

12.09.2024

Sl no. 116

Ct no. 15

P.M.

Md. Salahuddin,

Md. Raziuddin

... for the petitioners

Mr. Ritwik Pattanayak

... for respondent No. 5

Affidavit of service filed by the petitioners is taken on record.

It is the grievance of the petitioners that they have not been allowed to participate in the tender process in terms of notices dated July 1, 2024 and July 10, 2024, issued by Birpur-I Gram Panchayat.

Learned advocate appearing for the petitioners submits that though the petitioners submitted their files along with all the relevant documents through online mode, Birpur-I Gram Panchayat has illegally rejected their bids.

Learned advocate appearing for the Panchayat on the other hand has drawn the attention of this Court to Clause 11(B) of the said two tender notices. He submits that the petitioner did not produce the original documents on 10th July, 2024 and 22nd July, 2024 in terms of the said two tender notices.

This fact of non-submission of the original documents has not been disputed by the learned advocate appearing for the petitioners. He, however, draws the attention of this Court to a notice dated November 21, 2023, issued by the Panchayat and Rural Development Department of the State to suggest that the documents in connection with a tender process should be submitted only through online mode.

In my view the said notification directs for e-tendering, in addition to publication in print media for all types of tenders of Rs. 1.00 lakh and above and further directs that the bidders have to be given option for online payment of earnest money deposit (EMD) without mandatorily asking them to physically deposit the EMD documents.

Such notification does not dispense with the requirement of verification of the original document of the bidder by the tendering authority.

The tender process must be conducted as per the tender notice issued.

When the tender notice required the bidders to produce their original documents for verification, the petitioners ought to have fulfilled the said condition.

Accordingly this writ petition being **WPA 21583 of 2024** is dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Kausik Chanda, J.)