

Sl. 07
09.09.2024
Suman
Ct.No.15

WPA 21832 of 2024

Rajendra Kr. Shaw
Vs.
The State of West Bengal and Ors.

Mr. Anjan Bhattacharyay
Mr. Shahan Shah
Sk. Abumusa
Mr. Umenun Khan
..for the petitioner

Mr. Amal Kumar Sen
Mr. Shamim ul Bari
..for the State

Mr. Atanu Biswas
..for Kalna Municipality

Kalna Municipality floated an auction notice dated July 23, 2024 for granting lease in respect of Kalna Nrisinghapur Ferry Ghat under Kalna Municipality.

It is not in dispute that the petitioner submitted his bid in connection with the said tender notice on August 16, 2024.

The petitioner, however, via the e-Auction Portal received a communication on August 24, 2024, rejecting his bid.

Surprisingly, the same portal again on August 28, 2024, at about 6.30 p.m. notified that his bid had been accepted.

Kalna Municipality on September 3, 2024 informed this Court that on August 31, 2024, it had sent a letter to the Project Co-ordinator, e-Procurement and e-Auction Project NIC, WBSC seeking clarification.

Today, learned advocate appearing for Kalna Municipality has produced a communication from the Central Public Procurement Portal.

The relevant excerpt from the said communication is quoted below:-

“It is noticed that there was a mis-configuration in the system that caused the mail to be sent. The configuration is corrected.

Mail messages are sent to stake holders during various stages as advance information on the progress, but is not final. The official status is to be confirmed by the stake holders by authenticating in the respective portal and viewing the status.

The reply was also sent to Amit Sir, Kindly discuss with Amit Sir and accordingly prepare draft reply.”

The communication does not specify whether the “mis-configuration” pertained to the bid rejection notification sent on August 24, 2024, or bid acceptance notification sent on August 28, 2024.

In view of the aforesaid, this Court set aside the entire tender process initiated on the basis of the notice dated July 23, 2024.

Work order issued in favour of any of the bidders, if any, is also set aside.

Accordingly, this writ petition is disposed of granting liberty upon Kalna Municipality to initiate a fresh tender process in accordance with law.

Accordingly, **WPA 21832 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.)