

Sl. 07
03.09.2024
Suman
Ct.No.15

WPA 22012 of 2024

Sona Enterprise
Vs.
The State of West Bengal and Ors.

Mr. Pintu Karar
Mr. Sababuddin Laskar
Mr. Sourav Roy
..for the petitioner

Mr. Vivekananda Bose
Mr. Saibal Krishna Dasgupta
Mr. Ratikanta Pal
..for respondent nos. 8, 9 and 10

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu
..for the State

Pole-I Gram Panchayat, Khanakul, Hooghly by a notice dated July 11, 2024, floated six tenders for 25 different works.

The petitioner submitted his bids in respect of the aforesaid all six tenders.

By filing this writ petition, the petitioner submits that as per the Government Notification dated March 27, 2023, the tender process ought to have been conducted through the centralized e-tender Portal of the State Government and online receipt and refund of earnest money deposit (EMD) for tenders had been made mandatory. The relevant tender process,

however, deviated from such practice and asked the bidders to submit their earnest money deposit physically.

The petitioner, therefore, challenges the tender process.

On behalf of the Panchayat, it has been submitted that the tender process was conducted through online. However, the earnest money deposit was accepted offline. It has further been submitted that the petitioner submitted his bids for the all six tenders and he deposited the earnest money physically in case of two tenders. His bid was not considered since as per the applicable rules, a total of three bids was required to be submitted, but only two bids were received by the Panchayat.

In the aforesaid facts, I am not inclined to permit the petitioner to question the propriety of the tender process when the petitioner himself opted to physically deposit his earnest money in respect of two other tenders. The petitioner cannot contend that he ought to have been allowed to deposit earnest money only through online mode.

Learned advocate appearing for the petitioner submits that he was prevented by the Panchayat from depositing his bid physically. Therefore, he lodged a complaint before the concerned Sub-Divisional Officer. The Panchayat disputes such facts.

I am not inclined to decide such a factual dispute.

Accordingly, **WPA 22012 of 2024** is dismissed.

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.)