

WPA 23163 of 2024

Dharmapur Samabay Krishi Unnayan Samity Limited
-vs-
The State of West Bengal & ors.

Mr. Mohan Kumar Sanyal
Mr. Dwaipayan Sanyal
Mr. Arunesh Pathak
...for the petitioner
Mr. Rajarshi Basu
Mr. Ananda Dulal Sarkar
...for the State

1. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ against the respondent authorities more specifically against the respondent no.3 for cancellation and/or revoking the memos dated 29.08.2024 and 30.08.2024.
2. Learned counsel appearing on behalf of the writ petitioner at the very outset draws attention of this Court to Page no. 31 of the writ petition being a copy of the Notice inviting E-Tender dated 13.10.2023. It is submitted that pursuant to the said Notice inviting E-Tender, the writ petitioner had submitted its quotation with the respondent no.3 authority and by a memo dated 13.03.2024, 26 names have been shortlisted for carrying on the job of the different ICDS projects (Page no. 36 to the

writ petition). It is submitted that in the said memo dated 13.03.2024 it has been mentioned specifically that fresh tender would be initiated in respect of the other ICDS projects.

3. Drawing attention to page no. 39 being a copy of memo dated 29.08.2024, it has been submitted that without inviting fresh tender as mentioned in the memo dated 13.03.2024, the respondent no.3 authority accepted the bids of 5 bidders which is contrary to their own decisions.
4. Learned advocate for the writ petitioner thus submits that by issuing the said notice dated 29.08.2024 not only the principle of natural justice has been violated, but a valuable right which was accrued in favour of the writ petitioner was denied for which invoking writ jurisdiction is necessary.
5. In course of his submissions, Mr. Basu, Learned Advocate for the State, has filed the copy of the written instruction dated 24.09.2024 as received by him from the respondent no.3 authority. It is submitted that the instant writ petition has been filed under a total misconception since by issuing the impugned memo dated 29.08.2024, no bidder has been selected for doing the job of the ICDS projects and on the contrary, their names have been selected after considering their bids as well as after considering the cost analysis which have been

sought for from the said bidders subsequent to their participation in response to the Notice inviting E-Tender dated 13.10.2023.

6. Mr. Basu, learned advocate for the respondent State submits before this Court that from the annexures to the written instruction as received by him, it would reveal that pursuant to the requisition of the respondent no.3, the said 5 successful bidders particulars of whom have been mentioned in the memo dated 29.08.2024 have submitted their cost analysis report which has been accepted by the respondent no.3 authority.
7. On perusal of the entire materials placed before this Court and after hearing the learned advocate for the contending parties, it appears to this Court that pursuant to the E-Tender Notice dated 13.10.2023 initially 26 bidders have been selected. In the said memo dated 13.03.2024, it has been categorically mentioned that fresh tender would be issued in respect of the all other ICDS Projects.
8. However, on comparative study of the memo dated 29.08.2024 and the written instruction as submitted on behalf of the State, it reveals to this Court that in respect of Baduria, Habra-II, Madhyamgram and New Barrackpore (U), Bagdah and Gaighata, the respondent no.3 under cover of their different memos called for cost analysis which

has been submitted by the said bidders and being satisfied with the such cost analysis report, the aforementioned 5 projects have been given to the successful bidders in respect of the aforementioned 5 ICDS Projects.

9. From the written instruction as submitted by Mr. Basu, learned advocate for the State, it reveals that the respondent no.3 has furnished due explanation as to what prompted them to call for fresh tender that is where bids were received less than three in numbers.
10. Materials have been placed before this Court that the aforementioned 5 projects do not come under the purview of the ICDS projects where bids were received less than 3 as the same is no way contrary to its earlier letter dated 13.03.2024.
11. Such being the position, this Court finds no infirmity and/or illegality in issuing the letter dated 29.08.2024 by the respondent no.3.
12. Considering the entire materials this Court thus find no reason to interfere with the memo dated 29.08.2024.
13. Accordingly, this Court holds that the writ petition is devoid of any merit and is thus dismissed.
14. However, there shall be no order as to costs.
15. Urgent Photostat certified copy of this order be

supplied to the parties, if applied for, as early as possible.

(Partha Sarathi Sen, J.)