

30.08.2024
Sl. No.9(DL)
srm

W.P.A. No. 22984 of 2023
With
CAN 2 of 2024

Khalatkar Construction Infra Private Limited & Anr.

Versus

The State of West Bengal & Ors.

Mr. Billwadal Bhattacharyya,
Mr. Suryaneel Das
Mr. Chiranjit Pal

...for the Petitioners.

Mr. Arindam Mandal,
Mr. Suman Sengupta

...for the State-respondents.

Mr. Sandip Kumar De,
Mr. Abhik Chitta Kundu

...for the Respondent No.3.

Affidavit-in-opposition filed by the State-respondents is
taken on record.

The notice inviting electronic bid for the year 2023-24, by
the Superintending Engineer, Central Highway Circle, Public
Works (Road) Directorate, dated July 12, 2023, is under challenge
before this Court on the ground that the petitioners were illegally
ousted at the technical bid round. The bid was for collection of
toll on Shree Gouranga Setu over river Bhagirathi at Nabadwip,
in the district of Nadia under Nadia Highway Division No.1. The

earnest money of Rs.9 lakhs was to be deposited. The period of lease was for 365 days.

From the notice itself, it appears that the period of the lease to be granted by virtue of the notice inviting electronic tender has expired during the pendency of the writ petition. Due to subsistence of an interim order, the fresh electronic bid could not be invited.

Learned Advocates for the respondents submit that the fact that the financial bid was also opened before the writ petition was filed, was not brought to the notice of the learned coordinate Bench, and as such, the stay order was passed.

In any event, the notice inviting electronic bid dated July 12, 2023 has out lived its utility and purpose. The work of collection of toll on Shree Gouranga Setu over river Bhagirathi at Nabadwip in the district of Nadia under Nadia Highway Division No.1 for a period of one year, is no more available in view of the expiry of time. The collection of toll would be for a period of one year, which has long lapsed.

Under such circumstances, the writ petition is disposed of granting liberty to the concerned authority to issue a fresh notice inviting electronic bid in accordance with law and policy. All eligible parties, including the litigants before this Court shall be

entitled to participate in such bidding process. The same will be open to all.

As the earnest money deposit of the petitioner has not been utilised, the same shall be refunded within a period of four weeks from date, by NEFT or RTGS or bank draft or any other usual procedure followed by the authorities.

Interim orders earlier passed, stand vacated.

In view of disposal of the writ petition, the connected application being CAN 2 of 2024 has become infructuous and the same is disposed of accordingly.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)