

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Gaurang Kanth

***MAT 1829 of 2024
(CAN 1 of 2024)***

***Sona Enterprise Sole Proprietorship Firm
Rep. By Sk. Md. Imdadulla
-Vs-
State of West Bengal & Ors.***

For the Appellants	:	Mr. Sabyasachi Chatterjee, Adv., Mr. Pintu Karar, Adv. Mr. Sabab Uddin Laskar, Adv.
For the Respondent Nos.8, 9 & 10	:	Mr. Vivekananda Bose, Adv., Mr. Saibal Krishna Dasgupta, Adv., Mr. Ratikanta Pal, Adv.
For the State	:	Mr. Amal Kr. Sen, AGP, Mr. Lal Mohan Basu, Adv.
Heard on	:	30.09.2024
Judgment on	:	30.09.2024

Joymalya Bagchi, J. :-

1. Appellant has assailed the conditions of tender floated by Pole-I Gram Panchayat, Khanakul, Hooghly on the ground that it violated

the Government Notification which requires tender process be conducted through centralized e-tender Portal and the earnest money be receipted or refunded online. As the appellant had participated in the tender without demur, the Hon'ble Single Judge did not entertain the writ petition.

2. We have heard the learned Advocate for the appellant. It is admitted appellant had submitted the bids without demur and had deposited earnest money physically in two of such tenders. After the tenderer has participated in terms of the impugned conditions in the tender and made physical deposit of earnest money in place of online deposit, he cannot turn around and challenge the said tender conditions. A party is not permitted approbate and reprobate at the same time.
3. Given this situation, we find no merit in the appeal.
4. Accordingly, appeal and the connected application are dismissed.
5. There shall be no order as to costs.
6. Photostat certified copy of this judgment, if applied for, be given to the parties on compliance of all formalities.

I agree.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

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