

October 1, 2024
Sl. No.11
Court No.9
s.biswas

WPA 25109 of 2024

Rakhi Banerjee
vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Biswajib Ghosh
Mr. Sumitava Chakraborty
Ms. Bratati Pramanick

... for the petitioner

Mr. Srijan Nayak
Ms. Rituparna Maitra

... for the WBSEDCL

1. The writ petition has been filed by the petitioner, who is a proposed bidder and wanted to participate in an e-tender floated by the respondent No.3 when the petitioner tried to upload the documents, the bid was shown to be invalid on the ground that EMD details were not available.
2. The petitioner submits that the earnest money deposit was debited from the petitioner's bank account as per the information of the bank, but the tendering authority could not process receipt of such money, due to a fault in their system, as a result of which, the bid was treated as invalid with the comment 'EMD fee not available.'
3. It is submitted by the petitioner that by a subsequent decision, the last date for submission of bids has been extended to October 22, 2024 and it is expected that the matter would be resolved.

4. Mr. Nayak, learned advocate appearing for the tendering authority, submits that due to a technical glitch in the system, the EMD fee details of the petitioner was not available before the tendering authority. Under such circumstances, the bid of the petitioner was classified as invalid.
5. As of now, the authority has rectified such glitch and has also permitted the petitioner to approach the authority within the end date with necessary documents, if the petitioner finds further difficulty in uploading the document and submitting the bid. Any difficulty that may be faced by the petitioner during submission of the bid due to fault in the system can be resolved by the authority, if the petitioner approaches the authority with the problem.
6. Accordingly, the writ petition is disposed of.
7. There shall be no order as to costs.
8. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)