

28.10.2024
Court No.7
Item No.5
AP/akd

WPA 26029 of 2024

**Minarul Islam
Vs.
The State of West Bengal and Ors.**

Ms. Susmita Saha Dutta
Mr. Niladri Saha
Ms. Madhurima Basu
Mr. Dip Jyoti Chakroborty

...For the Petitioner.

Mr. Jayanta Samanta
Mr. Sougata Mitra
Ms. Mohuya Dutta Biswas
Mr. Pratiti Das

...For the State.

1. The present petitioner is the successful bidder of a tender being No.NIT No.-285/1(8)/MGP/2024, SL. NO.-01, Dated – 09/08/2024. The letter of acceptance was served upon the present petitioner wherein he was directed to execute a formal contract with the Pradhan, Mahabari Gram Panchayat by physical presence of himself with a non-judicial stamp paper worth Rs.10/- within seven days from the date of receipt of letter of acceptance.

2. It is the case of the petitioner that on the next day i.e. on 11.09.2024 when he appeared at the office of the concerned Pradhan, he was manhandled and assaulted by some miscreants who did not allow the present petitioner to enter into the office of the Pradhan. Situations thereby he could not execute the formal contract with the Pradhan. On the same day he approached the concerned BDO so that he may be

allowed to execute the said contract at the office of the BDO.

3. Subsequently, he was served with a letter dated 18.09.2024 wherein the Pradhan has stated that the petitioner could not appear before the Pradhan for execution of the contract and he was given some extension of two days time to execute the contract. On the next day, the petitioner has submitted a letter to the Pradhan to allow him police protection so that he may be allowed to execute a contract at the office of the Pradhan.

4. It is the further case of the petitioner that all efforts and prayer of the petitioner were not considered and the authority concerned has floated a new tender on 03.10.2024. He submits that if the new tender was allowed to open, the right of the present petitioner would be violated. He submits that the present petitioner was illegally obstructed by the concerned Pradhan not to execute the said contract. He prayed for necessary direction so that the present petitioner may be allowed to perform the job.

5. Learned counsel appearing on behalf of the State respondents has submitted that the present petitioner was allowed the necessary extension of time to execute the contract. He further submits according to the terms of the contract the petitioner had to execute the agreement at the office of the concerned Pradhan by

executing an agreement on a non-judicial stamp paper worth Rs.10/-. Such formality was not conducted. Accordingly, the concerned authority by a general meeting dated 03.10.2024 has come to an opinion to repudiate the earlier tender and to float a new tender. Consequently, on the same day one tender was floated by cancelling the earlier tender. He further submits that the instant writ petition was not filed to challenge the order of cancelation of the earlier tender. Thus, the writ petition is not maintainable.

6. Heard the learned advocates appearing for the parties. Perused the entire writ petition.

7. Considering the entire situation, it appears to me that the concerned Pradhan of the Mahabari Gram Panchayat has also lodged a complaint with the police that the present petitioner has assaulted the Pradhan. On the other side, the petitioner also lodged a complaint that he was assaulted and restrained not to enter into the office of the Pradhan.

8. The entire situation demonstrates the fact that the petitioner was not performing the job of executing the formal contract in respect of the execution of tender by virtue of a letter of acceptance dated 10.09.2024. The correctness of disputed allegation and counter allegation of assault cannot be ascertained at this stage. Now the impugned tender dated 09.08.2024 has been cancelled by the concerned authority. It is within the ambit and

authority of the concerned Gram Panchayat for cancellation of the earlier tender. Moreover, the order of cancellation has not been challenged in the instant writ petition.

9. Considering the situation, I find no justification to entertain the present writ petition.

10. Accordingly, the instant writ petition is disposed of.

11. There shall be no order as to costs.

12. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Subhendu Samanta, J.)