

27.11.2024
Item No.17
gd/ssd

MAT/2049/2024
DHARMAPUR SAMABAY KRISHI UNNAYAN
SAMITY LIMITED
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2024

Mr. Mohan Kumar Sanyal
..for the Appellant.

Mr. Rajarshi Basu,
Mr. Ananda Dulal Sarkar
..for the State.

1. This intra court appeal filed by the unsuccessful writ petitioner is directed against the order dated 14.10.2024 in WPA 23163 of 2024 by which the challenge to the work order issued in favour of the private respondent, namely, the 5th respondent was rejected.

2. The contention of the appellant is that though the 5th respondent's tender was abnormally low, work order has been issued without rejecting the tender submitted by the 5th respondent.

3. Before the learned Single Bench and before this court the authorities have been able to establish that no irregularity has been committed as the authorities have followed the office memorandum issued by the Government of India, Ministry of Finance, Department of Expenditure, Procurement Policy

Division dated 6th February, 2020 in respect of cases where the bid offered by tenderers are abnormally low.

4. It is submitted that the District Programme Officer (ICDS), North 24-Parganas was of the opinion that the rate offered by the 5th respondent was abnormally low and, therefore, in terms of the office memorandum issued by the Government of India dated 6th February, 2020 called for clarification by communication dated 13.03.2024 and directed the 5th respondent to submit the rate analysis.

5. In accordance with the said direction, the 5th respondent has submitted the rate analysis clearly mentioning about the labour charges, fuel charges, drivers salary, maintenance of vehicle etc. and has also arrived at the total profit which would approve to the 5th respondent.

6. The authority having been satisfied with explanation offered, has issued the work order on 29.08.2024.

7. All these aspects have been considered by the learned Single Bench and the prayer sought for in the writ petition has been rejected.

8. We find no good grounds to interfere with the said order.

9. Accordingly, the appeal fails and the same is dismissed.

10. Certified copy of the impugned order as well as affidavit of service are taken on record.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)