

AD-11
Ct No.09
10.01.2024
TN

WPA No. 26716 of 2023

Stone Concern Infrastructure Development Pvt. Ltd.
Vs.
The State of West Bengal and others

Ms. Hashnuhana Chakraborty,
Ms. Neelina Chatterjee,
Mr. Suvodeep Chakraborty
.... for the petitioner

Mr. Somnath Ganguli, Ld. AGP,
Ms. Priyamvada Singh
.... for the State

1. Learned counsel for the petitioner contends that despite the petitioner having provided all necessary documents in terms of the tender-in-question to the tendering authorities, the petitioner's bid was rejected at the technical stage. The reason given was that uploaded credential is not as per Clause 3(i) of the e-NIT. However, learned counsel for the petitioner places reliance on the documents which were to be furnished by the petitioner and were actually furnished by the petitioner and are annexed to the writ petition, to impress upon the court that there were no laches on the part of the petitioner on such count.
2. Heard learned counsel for the parties.
3. It transpires that the refusal of the respondent-authorities was palpably illegal inasmuch as no

reason can be furnished by the respondents for any laches to be attributed to the petitioner for non-production of due documents. In fact, the documents annexed to the writ petition make it abundantly clear that the petitioner did comply with all technical terms of the tender. The respondents fail to justify the rejection on any cogent reason.

4. In such view of the matter, WPA No. 26716 of 2023 is allowed on contest, thereby setting aside the refusal of the petitioner's bid on technical ground dated September 15, 2023 (Annexure P6 at page-481 of the writ petition).
5. The respondents shall continue with the tender now on the premise that the petitioner is technically qualified to participate in the said tender.
6. There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)