

05
19.12.2024
B.P./A.G.M.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 28961 of 2024

**Mandeepa Enterprises
-versus-
The State of West Bengal & Ors.**

**Mr. Kumarjyoti Tewari. Sr. Adv.
Mr. Abhik Kundu.
Mr. Souvik Sana.
Mr. Amrit Sinha.
Mr. Aniruddha Tewari.
...For the Petitioner.**

**Mr. Sirsanya Bandopadhyay.
Mrs. Tapati Samanta.
...For the State.**

**Mr. Dipankar Das.
... For the respondent no. 7.**

1. The petitioner is aggrieved by the manner in which the respondent authorities accepted the bid of the private respondents.

2. According to the petitioner, the documents relied upon by the successful bidder was not proper. The petitioner intends to raise objection to the documents relied upon by the private parties for the purpose of obtaining the bid.

3. Learned counsel representing the Bid Inviting Authority has drawn the attention of the Court to Clause 20 of the tender document which mentions that list of technically qualified bidders will be published in the web portal only. In case there is any objection regarding pre-qualification of an agency, that should be lodged to the Chairperson and convenor of the Bid Evaluation Committee within 48 hours

(including holidays) from the date and time of publication of the list.

4. Objection received beyond that time schedule will not be entertained by the Bid Evaluation Committee. E-mail Id was also provided in the tender document where the objection could have been submitted.

5. Admittedly, it appears that the petitioner did not raise any objection after the list of technically qualified bidders was published in the web portal till date. Only after the financial bid was opened and the petitioner was found unsuccessful, such objection has been sought to be raised by way of filing the instant writ petition.

6. The petitioner relies upon Clause 21 of the tender document wherein it has been mentioned that before issuance of the work order, the Bid Inviting Authority may verify the credentials and other documents of the highest bidder, if found necessary. After verification if it is found that the documents submitted by the highest bidder is either manufactured or false, in that case work order will not be issued in favour of the tenderer.

7. Upon hearing the parties, it appears that the petitioner admittedly has not raised any objection within the stipulated time period. Being unsuccessful, the petitioner has come up with the instant writ petition.

8. Prayer has been made to permit the petitioner to file objection with further direction upon the authority to consider the same.

9. I am afraid that the time period for filing such objection is long over. The petitioner did not avail the opportunity mentioned in the tender document itself. The petitioner permitted the tender to be finalised and on being unsuccessful has come up with a plea of

the private respondents relying upon false and manufactured documents.

10. The Court is not inclined to grant any relief to the petitioner in the instant case.

11. The writ petition fails and is hereby dismissed.

12. The Court makes it clear that if the authorities feel it necessary to verify the documents submitted by the petitioner with reference to the documents relied upon by the private respondents then, it will be open for the Bid Inviting Authority to verify the same. There is no mandate being issued by the Court in this regard.

13. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)