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21.02.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 28520 of 2023

United Exhibitors Syndicate
Private Limited & Anr.
Vs.
IFCI Limited & Ors..

Mr. Aritra Basu,
Mr. Soham Sanyal,
Mr. Abhijit Sarkar,
Mr. Abhik Chitta Kundu
... for the petitioners

Mr. Somnath Ganguli, Ld. A.G.P.,
Ms. Priyamvada Singh
... for the State

1. The petitioners participated in an auction purchase of an immovable property. Subsequently, however, the respondent no. 1, that is, the Tender Inviting Authority, withdrew/cancelled the entire tender process since necessary permission from the State was not obtained for transferring the said immovable property and/or for holding the auction.
2. Although the earnest money deposited by the petitioners was refunded, learned counsel for the petitioners submits that the petitioners seek to explore options to convince the State-authorities if the said immovable property can be transferred to the petitioners, through the respondent no. 1, if possible.

3. However, in view of the peculiar circumstances of the case, as the tender process has already been withdrawn and the earnest money refunded to the petitioners, there is no scope of passing any direction by the writ court.

4. Hence, W.P.A. No. 28520 of 2023 is dismissed without, however, any order as to costs.

5. It is made clear that nothing in this order shall prevent the petitioners from independently approaching the respondent-authorities for purchasing the immovable property.

6. If so approached, the same may be considered by the respondent-authorities in accordance with law.

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

(Sabyasachi Bhattacharyya, J.)