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Ct No.02
31.07.2024
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Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

WPA No. 1378 of 2023

Contemporary Remedies

-VS-

The West Bengal Mineral Development & Trading Corporation Ltd and anr.

Mr. Bikramaditya Ghosh
Ms. Supriya Singh
...for the petitioner

Affidavit of service filed on behalf of the petitioner is taken on record.

Despite service, no one appears on behalf of the respondents.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner participated in a tender and was selected as the successful bidder. As per terms, the petitioner deposited 100% of the annual premium and also deposited a huge sum as performance guarantee as an additional security for the performance for 100% of the work. The petitioner was also asked to deposit bank guarantee for 100 % of the work. This condition was found to be onerous. Therefore, the petitioner made a representation dated 10.08.2022 to the

Managing Director of the concerned seeking waiver of such condition. The same has not been decided as yet. However, it was learnt that in the subsequent tenders, this condition of 100% performance guarantee has been waived.

These are contractual issues between the petitioner and a Statutory Corporation. Ideally, no interference by this Court is warranted.

However, as the petitioner has only made an innocuous prayer for consideration of a representation by the respondent authorities, it is expected that the respondent no.2 would consider the petitioner's representation dated 10.08.2022 in accordance with law and as expeditiously as possible.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)