

01.10.2024
Court No. 2
Sl. No.26
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 2178 of 2024

**K.S.M.C. Co-operative Labour Contract &
Construction Society Ltd.
-versus
The Secretary, Department of Panchayet and Rural
Development & Ors.**

**Mr. Subhankar Dutta.
...For petitioner.**

**Mr. Subir Kumar Saha. AGP
Mr. Pradip Sarkar.
... for the State.**

**Mr. Kunaljit Bhattacharjee.
Mr. Sundeep Dutta.
Mr. Alok Sah.
... For the respondent no. 2.**

1. Supplementary affidavit filed on behalf of the petitioner be retained with the records.

2. The petitioner is aggrieved by the act of the gram panchayat in cancelling the bid submitted by the petitioner on the ground of non-submission of the income tax receipt for the current assessment year.

3. The Notice Inviting Tender specifically mentions that the acknowledgement receipt of income tax (Saral) for the current assessment year is required to be uploaded.

4. Admittedly, the petitioner is not in possession in the said receipt. The bid of the petitioner appears to be rightly rejected.

5. The petitioner has also raised an issue with regard to the timing of opening of the technical bid.

6. Learned advocate representing the gram panchayat submits, upon instruction that, the bid was opened at around 12 noon or immediately thereafter.

7. It does not appear that the act of the gram panchayat is erroneous in any manner.

8. The writ petition, accordingly, fails and is hereby dismissed.

9. The pradhan of the gram panchayat is, however, directed to ensure that the contract is awarded strictly in accordance with the Notice Inviting Tender and bid by any bidder who does not possess the requisite documents is not accepted.

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

(Amrita Sinha, J.)