

15
05.10.2024
d.p.

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

W.P.A 2295 of 2024

**Malay Banerjee
-versus
The State of West Bengal & Ors.**

**Mr. Bikramaditya Ghosh,
Mr. Subrata Sarkar,
Mr. Swarup Das.
...For the Petitioner.**

**Mr. Nabankur Paul.
...For the State.**

**Mr. Deborshi Dhar.
...For the Respondent No.4.**

1. The petitioner participated in a notice inviting e-tender floated by the Superintending Engineer (North Circle), Municipal Engineering Directorate being NleT No. -15 of SE(N)/MED/2024-25 dated 14th August, 2024.

2. The bids were opened and the petitioner was found to be the L2 bidder and the private respondent the L1 bidder.

3. The petitioner raises various allegations with regard to the manner in which the private respondent was declared as L1 bidder relying upon documents which are not in line with the eligibility criteria as mentioned in the notice inviting e-tender.

4. The petitioner has already filed a complaint before the respondent authority which is yet to be considered.

5. Learned advocate appearing for the private respondent submits, upon instructions that, the

petitioner ought to have raised the issue prior to the finalization of the financial bid. The petitioner raised the issue after the work order was issued in favour of the private respondent.

6. Copy of the work order dated 3rd October, 2024 issued by the Executive Engineer in favour of the private respondent has been placed before this Court.

7. It appears therefrom that the private respondent was requested to execute a formal agreement within seven days which, the learned advocate for the private respondent submits, has been executed. The private respondent submits that the work has begun since yesterday i.e. 4th October, 2024.

8. From the notice inviting e-tender, it appears that the time period for completion of the work is 180 days.

9. Since an issue has been raised with regard to the manner in which the bid of the private respondent has been accepted contrary to the eligibility criteria of the notice inviting e-tender, accordingly, the Court thinks it fit to direct the Superintending Engineer (North Circle), Municipal Engineering Directorate the respondent no. 3 herein to take a decision on the objection raised on behalf of the petitioner vide a legal notice dated 3rd October, 2024 after giving a reasonable opportunity of hearing to the petitioner and the private respondent at the earliest but positively within a period of six weeks from the date of communication of this order.

10. If the aforesaid respondent is of the opinion that there has been any error at the time of acceptance of the bid, then necessary remedial steps shall be taken forthwith.

11. As it has been submitted that the private respondent has already started the work in accordance with the work order issued, it will be open for the

private respondent to proceed with the work at his own risk.

12. The writ petition stands disposed of.

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

(Amrita Sinha, J.)