

10
06.01.2025
d.p.

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

W.P.A 270 of 2025

**Rakshak Securitas Private Limited & Anr.
-versus
Eastern Railways, Sealdah Division & Ors.**

**Mr. Soumya Mazumder,
Mr. Arnab Dutt.
...For the Petitioners.**

**Mr. Siddhartha Banerjee,
Ms. Soni Ojha,
Mr. Soumojit Majumder.
...For Respondent No.3.**

**Ms. Anamika Pandey.
...For the Railway.**

1. The matter relates to a tender floated by the Eastern Railway being Bid No.GEM/2024/B/5229689 dated 31st July, 2024.

2. The petitioner no. 1 and the private respondent both participated in the tender process. The petitioner no. 1 emerged as the L3 bidder and the private respondent as the L1 bidder. Work order has been issued in favour of the L1 bidder and the work is due to start from tomorrow (07.01.2025).

3. According to the petitioners the rate quoted by the private respondent is abnormally low. The simple mathematical calculation, if made, will clearly show that the figure quoted by the private respondent cannot be practically feasible in view of the statutory requirements that are to be followed by the party.

4. A detailed representation by the petitioners dated 5th December, 2024 objecting to the acceptance of the bid of the private respondent is pending consideration at the end of the Senior Divisional Mechanical Engineer (CO).

5. The petitioners are performing the work that has been put to tender and its contract is valid till today (06.01.2025).

6. According to the private respondent, the rate has been quoted after making the necessary calculation. It has been denied that the rate is abnormally low and it will not be possible for the private respondent to meet the statutory requirements.

7. According to the railways, the bid of the private respondent has been accepted after the authority found the same to be in order.

8. It appears that the contract of the petitioners is pending till today and the private respondent is due to start work from tomorrow on the basis of the work order issued in its favour. Within such short period of time, it will not be possible for the Court to enter into and decide the issues that have been raised by the petitioners.

9. The Tender Inviting Authority is the competent body to decide the issue and to check as to whether the figures quoted by the parties are in accordance with the prescribed norms.

10. A representation made by the petitioners nearly a month back is pending consideration till date. Without entering into the merit of the allegations raised by the petitioners, the instant writ petition is disposed of by directing the respondent no. 1, the Senior Divisional Mechanical Engineer (Carriage & Wagon) to

consider and dispose of the said representation filed by the petitioners strictly in accordance with the tender conditions and the prescribed norms by tomorrow (07.01.2025) after giving a reasonable opportunity of hearing to all the necessary parties including the L2 bidder.

11. By consent of the leaned advocates representing all the parties including the railways, the date and time of hearing is fixed on 07.01.2025 at 3 P.M. in the office of the respondent no.1, Senior Divisional Mechanical Engineer (Carriage & Wagon). The parties will be permitted to be represented by their respective legal representative(s) at the time of hearing. Issuance of further notice of hearing upon the petitioners and the private respondent stands dispensed with.

12. Notice of hearing shall be forthwith served through electronic mail upon the L2 bidder.

13. Reasoned order shall be passed and communicated to all the parties by 12 Noon on 8th January, 2025.

14. Till a decision is taken by the authority, the petitioners shall be permitted to continue the work.

15. The writ petition stands disposed of.

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

(Amrita Sinha, J.)