

04
11.03.2025
Court No. 14
AGM

WPA 2775 of 2025

Eastern Organic Fertilizer Pvt. Ltd. and Anr.
Vs.
The State of West Bengal and Ors.

Mr. Pradip Kumar Tarafder, Sr. Adv.
Mr. Sambuddha Dutta
Mr. Asish Kumar Bandyopadhyay
Mr. Aritra Palit.

...for the petitioners.

Ms. Jayeeta Sinha.
Mr. Ranjit Rajak.

...for the State.

Mr. Soumendranath Mookherjee, Sr. Adv.
Mr. Sabyasachi Chowdhury, Sr. Adv.
Ms. Sharmistha Ghosh
Mr. N. Chowdhury
Mr. Viraj Gupta
Mr. Ranit Roy

...for the respondent no.5.

Mr. Jaydip Kar, Sr. Adv.
Ms. Tulika Sil

...for the respondent nos.3 & 4.

Mr. Alak Kumar Ghosh
Mr. Arijit Dey

...for the KMC.

1. The petitioner participated in a tender process floated by the State Urban Development Agency (SUDA) on 19th January, 2024 for selection of Consessionaire for 'Disposal of 20 Lakh MT of legacy waster through Bio-mining and Bio-remediation process reclamation of the lands at two different locations at Pramodnagar and Kamarhati dump site for Cluster-1 Project under

Swachch Bharat Mission/Mission Nirmal Bangla in West Bengal (2nd Call)'.

- 2.** The petitioner failed to emerge as the successful L1 tenderer. The private respondent no. 5 emerged as the L1 tenderer.
- 3.** The only ground for challenge in the instant writ petition is that the private respondent does not fulfil the eligibility criteria as set out in the notice Inviting E Tender.
- 4.** There are certain entities, which are mentioned to be eligible. The private respondent is a Cooperative Society registered under the Multi State Cooperative Societies Act, 2002 in the year 2009. As Multi State Cooperative Society is not specifically mentioned in the eligibility criteria, accordingly, the petitioner contends that, the private respondent is ineligible to participate and the selection of the private respondent as L1 bidder is bad and liable to be set aside.
- 5.** Reliance has also been placed on the tender floated by the Kolkata Municipal Corporation with the same eligibility criteria and the participation of the private respondent was disallowed.
- 6.** Learned counsel representing the Tender Inviting Authority submits that the word 'etc.' used after the description of the entities eligible to participate, is merely illustrative and not an exhaustive one.
- 7.** The word 'etc.' is followed by the words - registered under relevant laws of India. The private respondent is a Multi State Cooperative Society which has been registered under the Multi State Cooperative Societies Act, 2002 and the said Society has the experience and has qualified in the tender process.

8. In support of the aforesaid submission, reliance has been placed on the judgment delivered by the High Court of Kerala in the matter of **Philomina Francis –versus- The Accountant General of Kerala & Ors.** reported in **2007 SCC Online 319** wherein the word ‘etc.’ was deliberated upon.
9. Reliance has also been placed on the judgment delivered by the Bombay High Court in the matter of **Mariambi –versus- Fatmabai and Others** reported in **1928 SCC Online Bom 160.**
10. I have heard the submissions made on behalf of the parties.
11. The word ‘etc.’ has indeed been mentioned in the eligibility criteria of the Notice Inviting E Tender. The description of the entities/bidders eligible to participate in the tender process is mentioned therein. After the different types of entities considered to be eligible to participate in the tender process, the word ‘etc.’ is mentioned. Following the said word, the expression ‘registered under relevant laws of India’ is mentioned.
12. In such a context the Court would accept the contention of the Tender Inviting Authority that following the principle of *ejusdem generis* the expression/ word ‘etc.’ would include any other entity duly registered under the relevant laws of India. The private respondent is a Multi State Cooperative Society duly registered in the year 2009. The tender was an open tender process. The private respondent participated and emerged successful. The Tender Inviting Authority found the private respondent eligible and declared the said Society as L1 bidder.

- 13.** The Court does not find any error on the part of the Tender Inviting Authority in accepting the bid of the private respondent.
- 14.** The writ petition appears to be devoid of merit. The same fails and is hereby dismissed.
- 15.** Supplementary affidavit is taken on records.
- 16.** Report of the State Urban Development Agency signed by the Director on 25.02.2025 be retained with the records.
- 17.** Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)