

02.05.2025

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Ct. no.39

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. 3480 of 2025

Abul Lotib Molla & anr.

-Vs-

The State of West Bengal & ors.

Mr. Md. Sarwar Jahan

Mr. Asraf Mandal

Mr. Kaustav Roy

... for the petitioners

Mr. Ranjit Rajak

... for the State-respondent

Mr. Shahan Shah

Mr. Soumen Barman

... for the respondent no.11

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

Despite service, none appears on behalf of the
private-respondents.

The writ petition is filed for quashing and/or setting
aside of notice inviting e-tender notice being No.8/Raipur
GP 2024-25 dated 30th December, 2024.

The petitioners contend that petitioner no.1
participated in the aforesaid notice inviting e-tender for
the works under serial no.4 and petitioner no.2 for works
under serial no.3 for installation of water treatment plant
at village Sabdarnagar Sansad and at village Raipur
Sansad under the Raipur Gram Panchayat.

The bids of the petitioners were rejected without assigning proper reason. The petitioners have furnished documents as per requirement. The petitioners made representations before the Block Development Officer, Amtala, Nowda, Murshidabad, the respondent no.8 on 26th January, 2025 for redressal of their grievances. However, no steps have been taken. Hence, this writ petition.

Mr. Md. Sarwan Jahan, learned Advocate for the petitioners submits that despite submission of requisite documents, the bids of the petitioners have been rejected arbitrarily by the Pradhan, Raipur Gram Panchayat, respondent no.11. As per the Procurement Manual, 2014 Clause 4 of Rule 6.5 the Executive Assistant, Nirman Sahayak and the Secretary are the necessary parties to decide on the aspect of rejection or acceptance of the bid. However, the documents at pages 25 and 30 of the writ petition would show that such decision has been taken by the Pradhan and Upa-Pradhan who are not authorized by *Artho O Parikalpana Upa-samiti*. Therefore, the entire decision making process is short of legality. He seeks that the issues raised by the petitioners be sent to the Block Development Officer, Nowda Development Block, respondent no.8 for causing necessary enquiry.

Mr. Ranjit Rajak, learned Advocate for the State-respondent submits that upon receipt of such complaint from the petitioners, the Block Development Officer, Nowda Development Block has called for the records and also issued order upon the Pradhan, Raipur Gram

Panchayat not to issue any work order or payment without prior approval of the Block Development Officer, Nowda Development Block. He files report of the Block Development Block, Nowda Development Block dated 19th February, 2025, which is taken on record.

On the contrary, Mr. Shahan Shah, learned Advocate for the respondent no.11, the Pradhan, Raipur Gram Panchayat submits that they are the highest authority under Raipur Gram Panchayat to take decision, which cannot be faulted. He further submits that the petitioners failed to submit requisite documents before the authority concerned, which has resulted in rejection of their bids and therefore, such rejection of bids does not call for interference. He seeks for dismissal of the writ petition.

Admittedly, the petitioner nos.1 and 2 participated in the notice inviting e-tender being No.08/Raipur GP 2024-25 dated 30th December, 2024 under serial nos.4 and 3, respectively. The bid of the petitioner no.2 was rejected since the work order, completion certificate and payment certificate, scheme name differs in schedule and that of the petitioner no.1 was rejected on the ground of P. Tax Certificate not being uptodated.

Be that as it may, Clause 4 of Rule 6.5 of Procurement Manual 2014 provides that all tenders received in time shall be opened in presence of attending bidders at the time and place as stated in the notice, by a committee of any two or more functionaries, members or

employees of the Gram Panchayat as may be authorized by the *Artha O Parikalpana Upa-Samiti*. It is mandatory that *Artha O Parikalpana Upa-Samiti* shall authorize Executive Assistant, G.P. Secretary (in the event of the post of E.A. remaining vacant) *Nirman Sahayak* and one Member of Opposition for this purpose. The documents at page 25 and 30 of the writ petition shows that the decision of accepting and rejecting of bids have been taken by Pradhan and Upa-Pradhan and not by the members as per requirement of the Rule. Thus the decision making process is primarily short of legality and needs to be enquired into by the authority concerned. The issue has been raised by the petitioners before Block Development Officer vide their representations.

In view of the above, the respondent no.8, Block Development Officer, Nowda Development Block, is directed to cause enquiry in respect of the representations dated 26th January, 2025 of the petitioners after giving opportunity of hearing to all the parties including the petitioners. Parties are at liberty to produce their respective documents before the authority concerned during enquiry. The enquiry should be concluded within a period of two months from date of communication of the order and, thereafter, if required, the Block Development Officer shall take appropriate steps in accordance with law.

Petitioners are directed to communicate this order to respondent no.8, Block Development Officer, Nowda Development Block for necessary compliance.

Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

With the aforesaid directions, the writ petition being **WPA 3480 of 2025** is disposed of.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)