

D/L 27
22.01.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 4479 of 2024

Shiba Prosad Banerjee

Vs.

The State of West Bengal & Ors.

Mr. Saptansu Basu, Sr. Adv

Mr. Swarup Paul

Mr. Surya Maity

Mr. Gurusaday Dutta

Mr. Anish Roy

...for the Petitioner.

Mr. Biswabrata Basu Mallick

Mr. Sayan Ganguly

...for the State.

1. The petitioner is aggrieved by the reasoned order passed by the Additional Chief Secretary, Government of West Bengal, Finance Department allegedly passed on the prayer seeking clarification of the comprehensive procedure and guidelines for acceptance of bids under different situations published by the Finance Department vide Memorandum No. 2320-F(Y) dated 7th June, 2022.
2. The petitioner particularly wants a clarification on the course of action in case of a tie bid. The petitioner submits that, according to the aforesaid memorandum there are three stages as to how the bid is to be accepted when there is a tie amongst the L1 bidders.
3. The petitioner alleges that the authority, at times, are not following the steps as mentioned in the subject memorandum but are directly jumping to the last step. It has also been brought to the notice of the Court that, on occasions, the authorities are selecting the bidders through draw of lots which is not mentioned in the subject memorandum.

4. The reasoned order impugned herein mentions that the existing norms of the subject memorandum have to be imperatively followed by all the government departments and its undertakings and there is no question of deviation of norms as envisaged therein. The said authority, in the absence of a particular situation or example, was not in a position to render proper clarification sought for by the petitioner.
5. In the exception that has been filed by the petitioner to the report filed by the authority, the petitioner has annexed a copy of the decision of the tender committee and the tender inviting authority of the Chief Medical Officer of Health, Bishnupur Health District, being Memo No. CMOH/BHD/225 dated 1st February, 2023 wherein two successful bidders were found to have quoted the same rate and the committee decided to proceed with the matter by 'draw of lots'. The petitioner alleges that the same could have been done as the procedure of selecting bidders through draw of lots is not included in the subject memorandum that is prevailing.
6. Upon hearing the submissions made on behalf of the parties and on perusal of the documents placed before this Court, it appears that the Additional Chief Secretary, in principle, has opined that the existing norms of the subject memorandum have to be followed imperatively. That being the stand of the Government, all the government departments and its undertakings who will be floating tenders in future will be liable to take steps in terms of the subject memorandum and not otherwise. The authorities shall strictly maintain the stages which are to be followed in case of a tie bid as indicated in the subject memorandum.
7. With the above observation, the writ petition stands disposed of.

8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)