

17
12.03.2025
Court No. 14
AGM

WPA 5601 of 2025

Shiv Shakti Construction
Vs.
The State of West Bengal and Ors.

Mr. Sankar Nath Mukherjee.
Mr. Soupal Chatterjee.
Mr. Anupam Das.

...for the petitioner.

Mr. Sk. Md. Galib. Sr. Adv.
Ms. Priyamvada Singh.

...for the State.

1. The petitioner participated in a tender process. At the time of scrutiny of the documents relied upon by the petitioner, the authority found that the documents relied upon by the petitioner were fake. The petitioner was issued a show cause notice in respect of the serial nos. 2 and 5 of the items in which the petitioner participated in the bid and was directed to submit his explanation within 48 hours.
2. In response thereto the petitioner submitted a representation disclosing his intention to quit from item mentioned against serial no. 4 of the tender notice.
3. The authority issued a show cause notice as to why the petitioner will not be blacklisted or recommended for blacklisting. The notice mentioned that the earnest money deposit will be forfeited and the bid will be rejected.

4. The petitioner submitted a representation seeking apology for the act that he committed and requested not to forfeit his earnest money.
5. It has been submitted that the forfeiture of earnest money was not in accordance with the terms and conditions of the Notice Inviting Tender. Prayer has been made to direct the authority to refund the earnest money deposit.
6. Learned advocate representing the State respondents have placed the terms and conditions of the Notice Inviting Tender and the general information in respect of the tenders.
7. It appears therefrom that there is a provision for forfeiture of earnest money deposit if the bid has been submitted online and the same is sought to be withdrawn after the end date of submission.
8. There is a further provision for forfeiture of earnest money deposit if, on scrutiny, it is found that false information or false documents were used in the bid in order to influence the outcome of the bidding process.
9. In the instant case the petitioner has admitted the guilt and sought for apology. The authority appears to have rightly forfeited the earnest money deposit.
10. The prayer of the petitioner seeking refund of the earnest money deposit cannot be allowed.
11. The writ petition fails and is hereby dismissed.
12. Affidavit-of-service filed in Court today be kept with the records.
13. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)