

D/L 08
27.03.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 6545 of 2025
(CAN 1 of 2025)

**National Federation of Farmers' Procurement,
Processing and Retailing Cooperatives of India
Limited (NACOF) & Anr.**

Vs.

The State of West Bengal & Ors.

Mr. Amales Ray, Sr. Adv.
Ms. Moushumi Bhowal

...for the Petitioners.

Mr. Nilotpall Chatterjee
Mr. Dipanjan Datta

...for the State.

IN Re- CAN 1 OF 2025

1. An application has been filed by the petitioner to implead the successful bidder as party respondent in the instant writ petition. Any order passed in favour of the petitioner in the instant writ petition may prejudice the successful bidder. Accordingly, the application for addition of party stands allowed.
2. CAN 1 of 2025 stands disposed of.

In Re- WPA 6545 of 2025

1. Supplementary affidavits on behalf of the petitioners filed in Court today are taken on record.
2. The petitioners participated in response to a Notice Inviting E-Tender floated by the office of the District Magistrate, Purba Medinipur (ICDS Cell) on 3rd March, 2025. The bid of the petitioners stood cancelled at the

technical evaluation stage on the ground that the bank debit advice has been submitted as credential certificate.

3. Notice Inviting E-Tender clearly mentions that, credential certificate shall be in the form of job done/completion of supply of similar kind of works in a single order (supply of Basic equipment, Furniture and Utensils) in a single year for the last five financial years including the current financial year to any government offices/government undertaking only.
4. Admittedly, the document relied upon by the petitioners in support of its credential is an advice of the District Magistrate, Paschim Medinipur for transfer of funds towards cooking costs for the mid day meal programme for bill payment.
5. The petitioners submit that, the said authority relied upon similar type of advice and treated other bidders as eligible in the technical stage but the petitioners' bid was illegally and arbitrarily rejected.
6. The petitioners have filed two supplementary affidavits in support of the submission that, the authorities acted in a discriminatory and illegal manner. Prayer has been made to direct the authorities to allow the petitioners to participate in the financial bid.
7. By the time the writ petition is taken up for consideration, the financial bid has been opened and a successful bidder has been identified.
8. Learned advocate representing the State respondents opposes the submission of the petitioners. It has been submitted that, the petitioners did not submit the credential as per the terms and conditions of the Notice

Inviting E-Tender. The petitioners cannot claim negative equity.

9. Reference has been made to the judgment delivered by the Hon'ble Supreme Court in the matter of ***AFCONS Infrastructures Limited Vs. Nagpur Metro Rail Corporation Limited & Anr.*** reported in **2016 (16) SCC 818** in support of the submission that the owner or the employer of the project, having authored the tender document, is the best person to understand and appreciate its requirements and interpret its documents.
10. I have heard the submissions made on behalf of the parties and have perused the materials on record.
11. Admittedly, it appears that, the petitioners have relied on the advice of the District Magistrate relating to transfer of funds in support of the submission that the petitioners have the credentials to participate in the bidding process.
12. The notification of the Public Works Department, Accounts Branch bearing no. 03-A/PW/O/10C-02/14 dated 12th March, 2015 mentions that payment certificate will not be treated as credential. The said notification was issued by the concurrence of the Finance Department and it is the submission of the State that the same principle is being followed across all departments of the State.
13. On a perusal of the averments in the writ petition, it appears that, the petitioners have not pleaded bias or mala fide on the part of the respondents. The Court is not satisfied that the case of the petitioners is such that the power of judicial review of the Writ Court is to be exercised.

14. The Supreme Court has time and again laid down that the Writ Court ought to be slow at the time of interfering with tender matters because the tender inviting authority is the best person to adjudge its requirements.
15. In the instant case, the authorities found that the petitioners did not submit proper documents in support of its credentials and has rejected its bid. The Court is not inclined to interfere with the matter.
16. The writ petition fails and is hereby dismissed.
17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)