

M/L 149
13.05.2025
Court No.14
PRADIP

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

WPA 6707 of 2025

Bora Tantubay Samabay Samity Ltd. & Anr.

Vs.

Union of India & Ors.

Mr. Srijib Chakraborty

Mr. Debdut Banerjee

Mr. S. Chakraborty

...for the Petitioners.

Ms. Sanjukta Bhattacharya

Ms. Shabnam Laskar

...for the Union of India.

1. The petitioners are aggrieved by the terms and conditions laid down by the Northern Railway in floating tender being Tender No. 10255033A.
2. The petitioners claim to be a Micro, Small and Medium Enterprise. It has been submitted that the terms and conditions of the impugned tender restricts participation of MSMEs. According to the petitioners the same is an infringement in the fundamental right of the petitioner to carry on trade and business and right to equality.
3. It has been brought to the notice of the Court that the last date of submission of tender has been extended till 27 May, 2025.
4. Learned advocate representing the respondent authority seeks time to take instruction in the matter.
5. It is settled law that the tender issuing authority is the best person to decide the terms and conditions upon which the tender is required to be floated. It is not

always proper for the Court to dictate the terms and conditions of a tender document.

6. As the petitioners claim to be aggrieved by the terms and conditions of the present tender, accordingly, it will be open for the petitioners to raise proper grievances before the respondent no.3.
7. In the event such a representation is made by 15th May, 2025, then the same shall be considered and disposed of within a week of receipt of such representation.
8. If the claim of the petitioner is accepted, then necessary remedial steps by modifying the terms and conditions of the tender document shall be published by the authority immediately thereafter so that the petitioners and similarly circumstanced persons can participate in the tender process.
9. If the authority does not accept the contention of the petitioners, the same shall be made known to the petitioners immediately thereafter.
10. The writ petition stands disposed of.
11. 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.)