

M/L 83
17.06.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 7114 of 2025

M/s. Goswami Electricals and Construction
Vs.
State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.
Mr. Sougata Mitra
Mr. Nikhil Kr. Gupta
Ms. Soma Chakraborty
Mr. Raju Bhattacharyya

...for the Petitioner.

Mr. Sumit Kr. Panja
Mr. Sumit Roy

...for the WBSEDCL.

1. The petitioner is aggrieved by the act on the part of WBSEDCL in taking steps for floating fresh tender without extending the existing contract with the petitioner.
2. It is settled law that the contractor does not have any vested right of extension of a contract which expired on the due date. Extension is always a matter of discretion subject to the satisfactory performance of the work by the contractor during the contract period.
3. In the instant case, the authority, just prior to expiry of the contractual period floated fresh tender for selecting an eligible bidder. The subsequent contract was to come into effect after expiry of the contractual period of the petitioner.
4. The petitioner participated in the subsequent tender process but emerged as the L2 bidder. At this stage, the

petitioner turns around and alleges that it was improper for the authority to float fresh tender without extending the contractual period of the petitioner.

5. No provision in the earlier contract has been placed before this Court which mandates an extension to the existing contractor.
6. Here, it appears that as the petitioner has failed to emerge successful in the subsequent tender process, and hence, has come forward with the present writ petition challenging the action of the authority.
7. Writ petition at the instance of an unsuccessful bidder to stall the work put to tender cannot be allowed. The Court is not convinced with the stand of the petitioner. The authority has already executed the contract with the L1 bidder.
8. At this stage, there is no scope for interference in the present writ petition. The writ petition fails and is hereby dismissed.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)