

D/L 11
11.06.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 7530 of 2025

Nataraj Unemployed Engineers Co-
Operative Society Limited

Vs.

The State of West Bengal & Ors.

Mr. Ashok Kumar Banerjee, Sr. Adv.
Ms. Debapriya Gupta
Mr. Bhaskar Duttagupta
Mr. Arup Mondal

...for the Petitioner.

Mr. Subhabrata Datta
Mr. Aranya Saha
Mr. Tushar Saha

...for the State.

Mr. Biswaroop Bhattacharya
Mr. Arup Nath Bhattacharyya
Ms. Sreetama Biswas

...for the Respondent no.6.

1. Affidavit-in-opposition filed on behalf of the Superintending Engineer, Western Highway Circle No.1 P.W.(Roads) Directorate is taken on record.
2. The writ petition revolves around a tender process floated by the authority in January 2025. The petitioner and the private respondent both participated in the tender process. The petitioner emerged as the L2 bidder and the private respondent as the L1 bidder. The authority issued work order in favour of the private respondent. The petitioner is aggrieved by the same.
3. The petitioner alleges that the private respondent does not possess the requisite credentials to be selected in the bid.
4. The terms and conditions of the notice inviting tender are placed before this Court.
5. It appears therefrom that there was a provision for filing objection/complaint regarding non eligibility in the technical

bid evaluation stage and the bidders could file objections/complaint within forty eight hours from the publication time (uploading time in the web portal) of the technical bid evaluation.

6. The tender document also mentions that any complaint filed beyond the time schedule of forty eight hours would not be entertained.
7. In the instant case, it appears that the petitioner failed to lodge any complaint highlighting the inability of the private respondent within the prescribed time period.
8. The time schedule mentioned in the tender document mentions that the date of opening the technical proposal was 27th February, 2025. The instant writ petition has been filed on 1st April, 2025.
9. Learned advocate representing the authority submits that work order was issued on 7th April, 2025 and the authority is satisfied by the performance of the private respondent. The period for completion of work is 240 days.
10. It has been harped upon by the learned senior counsel representing the petitioner that the moment the illegality came to the knowledge of the petitioner, the petitioner approached this Court by filing the instant writ petition and the writ Court ought to entertain the same.
11. Upon hearing the submission made on behalf of all the parties, it appears that, though the petitioner was the L2 bidder but the petitioner has approached this Court long after the prescribed time period for filing the objection.
12. If the writ petition of the petitioner is entertained at such a belated stage and any order is passed directing the authority to reopen the issue, then the entire work performed by the successful bidder in the interregnum, will be jeopardized. A

rightful claim has accrued in favour of the private respondent to continue and complete the work in accordance with the work order issued in its favour.

13. Had the petitioner possessed documents in support of the inability of the private respondent to participate in the tender process, the same ought to have been brought to the notice of the authority within the prescribed time limit. If belated objections are directed to be considered by the unsuccessful participants in a tender process, then the tender process can never reach finality within the stipulated time frame. One after other objections may be filed by the unsuccessful bidders and the entire process will become a never-ending one. Such belated applications ought not to be directed to be considered.

14. The Court is not inclined to interfere in the instant writ petition.

15. The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)