

29.04.2025
Item No.2
PG/KS
Ct. No.446

W.P.A. 7716 of 2025

**Enamul Sk. & Ors.
-Vs.-
The State of West Bengal & Ors.**

Mr. Amal Kumar Banerjee
... For the Petitioner

Mr. S. T. Mina
Mr. Sourav Paul
.....For the Respondent No.6

Mr. Susovan Sengupta
Mr. Manas Kumar Sadhu
.....For the State

1. Affidavit of service filed by the petitioners in Court, which is taken on record.
2. The case pertains to e-tender floated by the Kushmore – II Gram Panchayat on March 10, 2025 for maintenance of tubewell, as mentioned in the Notice Inviting E-tender. Pursuant to such e-tender, the present petitioners participated and within time went to deposit the demand draft as envisaged in the e-tender itself on March 19, 2025 and while doing so, they were restrained to deposit such demand draft and, accordingly, on the same date, representation was submitted before the Block Development Officer intimating the entire facts.
3. Since no reply was received, they again approached, the Executive Officer i.e. the respondent no.5 on March 20, 2025 intimating the entire facts. However, thereafter, also no reply was received and

accordingly, on March 24, 2025, a legal notice was sent to all the present respondents and in absence of any reply, the petitioners have come before this Court with this writ petition with a prayer to allow the petitioners to submit the demand draft, which was purchased by the petitioners in terms of the notice inviting e-tender and also to consider and dispose of the representations dated March 19, 2025 and March 20, 2025 in accordance with law.

4. It is submitted before this Court by the learned advocate that without showing any reason, only on the verbal instruction of the respondent no.6 i.e. the Pradhan, the demand draft was not accepted, which causes serious prejudice to the petitioners as the work order in respect of some serial numbers of that NIT have already been issued in favour of other persons.
5. The learned advocate appearing on behalf of the respondent no.6 vehemently opposes the contentions of the petitioners and submits that the present petitioner no.1 is a blacklisted candidate and he alone came with the demand draft for the rest of the petitioners, which was against the terms of the said NIT, where it was very specifically mentioned that "All bidders shall deposit the cost of bid document, tender Form and Earnest Money by Offline Payment Mode through Draft" and accordingly, the same was not considered.
6. The learned advocate appearing for the respondent nos.1 to 5 submits that the present petitioner no.1 is a blacklisted candidate and a writ petition to that extent is pending filed by the present petitioners and unless the blacklisting goes, he is debarred from

participating in any other tender, more so, all the parties did not come before the Department to deposit the said demand draft. He has also submitted before this Court one letter of the B.D.O. dated March 20, 2025 addressing the Pradhan whereby the representation submitted before the B.D.O. by the petitioners was forwarded to the Pradhan i.e. the respondent no.6 for consideration and in reply to the same, the action taken report was submitted, which reflects that the present petitioner no.1 is blacklisted for the Gram Panchayat previously and in consultation with the tender committee, the decision was taken not to take any tender relating documents or bank draft from the petitioner no.1.

7. It is, however, clear that the work order for the remaining serial numbers had not yet been given considering the pendency of this writ petition.
8. Accordingly, from the above facts and circumstances, it transpires that the petitioner no.1 is a blacklisted candidate, which is very much apparent from the submission advanced before this Court on behalf of the learned advocates for the respondent nos.1 to 5 and 6 respectively and in view of the fact a writ petition is pending filed by the petitioners. However, so far as the rest of the petitioners are concerned, no such specific allegation has come against them and nothing is found to restrain them from filing the demand draft.
9. The respondent authorities has not communicated the reason for non acceptance of demand draft.
10. Therefore, in the above circumstances the petitioners are entitled to know the reason for non acceptance of the Demand Draft in terms

of the NIT. The reason assigned about non acceptance of Demand Draft since the petitioner no. 2 and 3 are concerned, this Court is unable to accept the same in absence of any specific direction to that extent.

11. Hence B.D.O. is directed to dispose of the representation dated March 19, 2025, March 20, 2025 and March 24, 2025 by giving appropriate reply to the petitioner No. 1. However, his prayer cannot be considered at this stage when admittedly he is declared as blacklisted.
12. The B.D.O., Murarai – II/respondent no.4 is further directed to ascertain as to whether the petitioner nos.2 and 3 had already been blacklisted or not and in case it is found that no such coercive decision has been taken against them, in that event, they will be allowed to submit their demand draft before the concerned authority and the concerned authority shall proceed further in terms of the NIT in compliance with the other formalities.
13. The B.D.O., Murarai – II/respondent no.4 is further directed to complete the entire exercise within a period of seven days from the date of receipt of the server copy of this order.
14. It is also directed that the present petitioner nos.2 and 3 will be given the permission to submit their demand draft subject to fulfillment of the conditions, as stipulated in the relevant NIT.
15. With the above observations/directions, writ petition stands disposed of.
16. No costs.

17. Since no affidavit has been called for, all the allegations levelled against the respondents shall not be deemed to have been admitted.
18. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(CHAITALI CHATTERJEE (DAS), J.)