

S/L 24  
16.05.2025  
Court. No. 19  
*Suwayan*

**WPA 8303 of 2025**

**RK Transport, Private Limited  
Vs.  
The State of West Bengal & Ors.**

*Mr. Kaushik Dey  
Mr. Sukanta Chakraborty  
Mr. Mirza Firoz Ahmmed Begg  
Mr. Anindya Halder  
Mr. Zubair Ahmed*

*...for the petitioner.*

*Mr. Tapan Kumar Mukherjee, AGP  
Mrs. Sangeeta Roy*

*...for the State.*

1. The exception to the report of respondent no. 5 as filed by the writ petitioner and as affirmed on 13.05.2025 is taken on record.
2. At the time of hearing Mr. Dey, learned Advocate appearing on behalf of the writ petitioner at the very outset request this Court to peruse the earlier order dated 17.04.2025 as passed by this Court. It is submitted by Mr. Dey that from the materials as placed before this Court as well as from the order dated 17.04.2025 it would reveal that despite issuance of memo dated 13.12.2023 by the Office of the Superintending Engineer and Project Director, P.W. (Roads) Directorate, Kolkata being the respondent no. 4 herein for an electronic bid in respect of various works, particulars of which has been mentioned in the said tender and despite the fact that the writ petitioner was found to be a successful in the technical bid opening summary in respect of RUF Collection for

Panagarh-Ilambazr-Dubrajpur road (SH-14) including Ajoy bridge (2<sup>nd</sup> Call) and also in view of the fact that the writ petitioner has already deposited Rs. 50 lakhs towards earnest money which had already been accepted by the respondent no. 4/authority, the respondent no. 5/authority being P.W. Directorate of District – Burdwan floated another tender for collection of toll tax on Ajoy bridge over river Ajoy at Ilambazar in the District of Birbhum under Birbhum Division.

3. It is submitted by Mr. Dey that from paragraph no. 5 of the earlier order dated 17.04.2025 it would reveal that it was the case of the writ petitioner that on comparative study of the memo dated 13.12.2023 as issued by the Office of the Superintending Engineer and Project Director, P.W. (Roads) Directorate, Kolkata and the subsequent memo dated 17.03.2025 as issued by the being P.W. Directorate of District – Burdwan it would reveal that the subject matter of the latter tender dated 17.03.2025 overlaps part of the proposed work as mentioned in the serial no. 1 of table no. 1 of the earlier tender vide memo dated 13.12.2023.
4. At this juncture, Mr. Dey took me to page no. 60 of the report of the respondent no. 5 as affirmed on 05.05.2025. It is submitted by Mr. Dey that from page no. 60 being a copy of memo dated 25.04.2025 as issued by the Superintending Engineer, P.W. Directorate, Western Circle No. I, Burdwan it would reveal that it is the categorical admission of the

respondent no. 5 that the mentioned bridge that is the Ajoy Bridge in both of the abovementioned Notice Inviting Electronic Bid ('NIEB' in short) is same and identical. It is thus submitted by Mr. Dey that from such averment it would reveal that the apprehension of the writ petitioner is quite genuine.

5. In his next limb of submission Mr. Dey further requests this Court to peruse paragraph nos. 4 and 5 of the said report dated 05.05.2025 as submitted by the respondent no. 5. It is submitted by Mr. Dey that on conjoint perusal of the said paragraph nos. 4 and 5 of the said report it would reveal that an attempt has been made by the respondent no. 5/authority to justify his action by saying that as soon as the reserved process could be fixed pursuant to the earlier tender dated 13.12.2023, the subsequent tender dated 17.03.2025 would be cancelled.
6. At this juncture Mr. Dey once again requests this Court to peruse the memo dated 17.03.2025 which is under challenge in the instant writ petition being Annexure-P10 at page nos. 107 to 132 of the instant writ petition. It is submitted by Mr. Dey that within the four corner of the said NIEB dated 17.03.2025 there is no indication at all that the subsequent NIEB dated 17.03.2025 is for a limited period as claimed by the respondents/authorities in their report dated 05.05.2025. It is thus submitted by Mr. Dey that considering the conduct of the respondents/authorities

appropriate relief/reliefs may be granted to the writ petitioner.

7. *Per contra*, Mr. Mukherjee, learned Senior Advocate appearing on behalf of the respondents/State also places his reliance upon the report dated 05.05.2025 as submitted by the respondent no. 5. It is submitted that from paragraph nos. 4 and 5 of the said report dated 05.05.2025 it would reveal that the respondent no. 5 had clearly indicated that in order to prevent the loss of Government revenue, the subsequent NIEB dated 17.03.2025 was floated purely as a temporary basis. It is further submitted that it has been stated by the respondent no. 5 on oath that the reserved price as would be fixed under the subsequent NIEB dated 17.03.2025 would be cancelled as soon as a successful bidder is selected pursuant to the memo dated 13.12.2023.
8. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, this Court finds sufficient justification on the submission of Mr. Dey, learned Advocate appearing on behalf of the writ petitioner. As rightly indicated by Mr. Dey that there are sufficient materials before this Court that the present writ petitioner had participated in the bidding process pursuant to the memo dated 13.12.2023 being NIEB in respect of RUF Collection with HNETC system integration and transaction acquiring services and the present writ petitioner was preliminary selected for

participation in the main selection process and to that effect sufficient material has also been placed that the writ petitioner has deposited Rs. 50 lakhs towards earnest money which has been accepted by the respondent no. 4/authority by issuing a transaction receipt.

9. As rightly pointed out by Mr. Dey that since the writ petitioner was preliminary qualified at the time of opening of technical bid summary, there is every possibility that his client's right may be hampered on account of publication of the subsequent tender/memo dated 17.03.2025, a copy of which has been annexed at Annexure-P10 at page no. 107 of the instant writ petition. Though an attempt has been made on the part of the respondents/authorities, more specifically, on the part of the respondent no. 5 that the subsequent NIEB dated 17.03.2025 is purely for a limited period and has been floated in order to prevent loss of the Government revenue but in course of hearing, learned Senior Advocate for the respondents/State could not show any Clause in such NIEB dated 17.03.2025 that said memo has been issued and/or floated for a purely limited period as contended by the respondent no. 5 in his report dated 05.05.2025.
10. Such being the position, this Court considers that there is sufficient merit in the instant writ petition since the nature of work as involved in the subsequent NIEB dated 17.03.2025 clearly overlaps with the nature of work under the former NIEB dated 17.10.2023.

11. In view of such, the instant writ petition succeeds.
12. Consequently, the subsequent memo dated no. 261/5-1 dated 17.03.2025 as has been issued by the respondent no. 5 stands hereby quashed.
13. With the aforementioned observation, the instant writ petition being WPA 8303 of 2025 is disposed of.
14. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Partha Sarathi Sen, J.)**