

15.05.2025
Sl. No.50(DL)
Ct. No.39
srm

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

W.P.A. No. 8335 of 2025

Annapurna Biotech

Versus

The State of West Bengal & Ors.

Mr. Partha Ghosh,
Mr. Amal Kumar Datta,
Ms. Simran Sureka,
Mr. Debashis Das,
Mr. Bratin Sain

...for the Petitioner.

Mr. Santanu Kumar Mitra,
Mr. Subhabrata Das

...for the State-respondents.

Md. Hafiz Ali

...for the Respondent No.5.

Affidavit of service filed on behalf of the petitioner
is taken on record.

This writ petition is filed seeking for setting aside
and/or quashing of a resolution dated 4th April, 2025
issued by the respondent No.5, Pradhan, Jajan Gram
Panchayat, Murshidabad rejecting the bid of the
petitioner and the impugned communication through
mail dated 7th April, 2025.

The petitioner contends that he participated in
notice inviting tender *vide* reference
No.76/GP/1/2024-25 dated 13th March, 2025 of
respondent no.4, Jajan Gram Panchayat for work
under the name of scheme “*Installation of Solar Water
Reservoir cum Arsenic Purifier with Submersible Tank*”

Near Jajan Sarbomangala Mandir under Jajan Gram Panchayat under Bharatpur-I Block, AAP No.-50/2024-25 Activity Code-97691638” for estimated amount of Rs.11,01,598/-. The technical bid submitted by the petitioner was rejected arbitrarily without any cogent ground. Hence, this writ petition.

Mr. Partha Ghosh, learned Advocate for the petitioner submits that the petitioner furnished all the required documents as per the criteria of the notice inviting tender. However, without citing any cogent reason, the bid of the petitioner has been rejected. He seeks for quashing of the resolution of the local gram panchayat by dint of which the technical bid of the petitioner has been rejected.

Mr. Santanu Kumar Mitra, learned Senior Government Advocate appearing for the State submits that the certificate of completion furnished by the petitioner relates to some other work and the payment certificate is also not in respect of the said work as required under the NIT. Further, the petitioner has also not submitted the CSIR certificate, as required. Relying on the decision of the Hon’ble Supreme Court passed in ***N.G. Projects Limited versus Vinod Kumar Jain & Ors.*** reported in ***(2022) 6 SCC 127***, he submitted that the scope of examination of the tender is limited so far as the commercial matters are concerned. In contracts involving technical issues the Courts should be even more reluctant because the

Courts do not have the necessary expertise to adjudicate the technical issues beyond their domain. The Courts will only interfere to prevent arbitrariness or irrationality, bias, *mala fide* or perversity. Since the petitioner failed to satisfy the eligibility criteria there is no such perversity in rejecting the prayer of the petitioner. He seeks for dismissal of the writ petition.

Similar submission is advanced on behalf of the respondent No.5, Pradhan, Jajan Gram Panchayat.

As per the eligibility criteria of the NIT, the applicants were to submit completion certificate in respect of the nature and style of the work mentioned under name of scheme "*Installation of Solar Water Reservoir cum Arsenic Purifier with Submersible Tank*". The completion certificate being annexure P-7 at page 45 is in respect of "*Installation and Pumping system with solar PV of ground water lifting technology from Tube well for drinking water at different places*". Thus the petitioner has failed to satisfy the eligibility criteria as required. Therefore, the finding of the respondent authority that the petitioner has not submitted the completion certificate as required under the eligibility criteria does not require interference. Further the email at page 43 of the writ petition shows that the authorization given to the petitioner by watertech to use their media for removal of Arsenic and making water suitable for drinking has been made mistakenly. Hence CSIR certificate is also not available.

In the aforesaid backdrop, there is no such arbitrary and unreasonable action on the part of the respondent authorities in rejecting the bid of the petitioner. This Court finds substance in the submissions of Mr. Mitra, learned advocate for the State-respondents relying on *N.G. Projects Limited (supra)*.

Accordingly, the writ petition being **WPA 8335 of 2025** is dismissed.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)