

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

**The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Prasenjit Biswas**

**FMA 569 of 2024
with
IA No.: CAN 1 of 2024**

**West Bengal Handicraft Development Corporation Ltd. (MANJUSHA) &
Anr.
Vs.
Sandipan Nag & Ors.**

For the Appellants : Mr. Sayantan Bose, Advocate
Mr. Shounak Mukhopadhyay, Advocate
Ms. Priyanka Gope, Advocate

For the State : Mr. N.C. Behani, Advocate
Mr. Arindam Mitra, Advocate

For the Respondent No.1 : Mr. Joy Chakraborty, Advocate
Mr. Souvik Ganguly, Advocate

Hearing & Judgment on : July 28, 2025

DEBANGSU BASAK, J.:-

1. Affidavits filed in Court be taken on record.
2. Appellants are aggrieved by an order dated February 16, 2024 passed in WPA 15559 of 2023.
3. By the impugned order, learned Single Judge allowed the writ petition of the respondent no.1 partially. Learned Single Judge set aside the debarment/restraint of the respondent no.1 on placement of future

orders of the appellants as enumerated in the communication dated April 5, 2023.

4. By the impugned order, so far as the challenge of the respondent no.1 against imposition of penalty of 10% of the outstanding dues and/or non-payment of further dues for orders already supplied is concerned, learned Single Judge kept the same open for a competent Civil Court to decide on it in the event respondent no.1 approaches the Civil Court for such purpose.
5. Learned Advocate appearing for the appellants submits that, the letter dated April 5, 2023 which was the subject-matter of the writ petition, cannot be construed to be an order of blacklisting. He submits, on instructions, that appellants never blacklisted the respondent no.1 either by the letter dated April 5, 2023 or otherwise. Appellants are not considering the respondent no.1 as a blacklisted vendor.
6. Learned Advocate appearing for the respondent no.1 submits that, the respondent no.1 was treated as a blacklisted vendor and not allowed to participate in any tender process. He submits that, respondent no.1 is an enlisted vendor.
7. Learned Advocate appearing for the appellants submits that, the enlistment of vendors is done through a tender process and for a particular period of time. The respondent no.1 was treated as an enlisted vendor for the period of time till its enlistment expired by efflux of time. He points out that, the respondent no.1 was enlisted as a

vendor in respect of Nandigram DRS by a letter dated March 22, 2022 for the period of 2022-2023.

8. Subject-matter of challenge in the writ petition filed by the respondent no.1 is a writing dated April 5, 2023. There are two parts to the letter dated April 5, 2023. One part is imposition of penalty for non-supply. Learned Single Judge left such part to be decided by the competent Civil Court in the event respondent no.1 approaches such Civil Court, for such purpose.
9. Respondent no.1 did not prefer any appeal against the impugned order directing the respondent no.1 to avail its remedy before the competent Civil Court with regard to the imposition of penalty.
10. The other part of the letter dated April 5, 2023 is the portion where the decision of the appellants not to continue with any further order with the respondent no.1 since the respondent no.1 does not possess *locus standi* to complete supply within the stipulated time, is the subject-matter of the present appeal.
11. As noted above, appellants claim that, the respondent no.1 was not blacklisted. The appellants claim that they treated the respondent no.1 as one to be blacklisted.
12. Noting such contention of the appellants, we place on record that, the respondent no.1 was not blacklisted by the letter dated April 5, 2023 as contended by them. Therefore, appellants will not treat the respondent no.1 as a blacklisted supplier.

13. The contention of the appellants that, the respondent no.1 is free to participate in the tender process of the appellants is also placed on record.
14. Respondent no.1 may participate in the tender process of the appellants in accordance with law.
15. Impugned order dated February 16, 2024 is modified to such extent.
16. **FMA 569 of 2024** and connected application are disposed of without any order as to costs.

(Debangsu Basak, J.)

17. I agree.

(AD)

(Prasenjit Biswas, J.)