

23.05.2025
Sl. No.13(DL)
Ct. No.39
srm

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

W.P.A. No. 9025 of 2025

Sohel Biswas

Versus

The State of West Bengal & Ors.

Md. Sarwar Jahan,
Mr. Amit Bikram Mahata,
Ms. Lapita Sarkar

...for the Petitioner.

Mr. Ansar Mandal,
Mr. Tanweer J Mandal

...for the State-respondents.

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

This writ petition is filed for cancellation of the
decision dated 24th March, 2025 of respondent No.7
adopted by accepting the bids which were submitted
quoting the rate above 5% less of the rate of estimated
amount put to tender without submitting any rate
analysis.

The petitioner contends that he participated in
the e-Notice Inviting Tender No.02(e)/BKB/24-25 dated
6th March, 2025. The petitioner submitted all the
relevant documents including the rate analysis. In
terms of condition mentioned in clause 16 of Notice
Inviting Tender (NIT) as well as Chapter 7 of the
Procurement Manual, 2014, the bids submitted by
quoting the rate above 5% less of the rate of Estimate

amount put to tender are liable to be rejected in the absence of rate analysis. However, *vide* resolution dated 24th March, 2025 those bids which has been submitted without the rate analysis were accepted in clear violation of the rules. The petitioner also made a complaint before the Block Development Officer, Kaliachak-III Development Block seeking redressal and intervention on 25th March, 2025 which has not been disposed of as yet. Challenging such action of the respondent No.7, the present writ petition has been filed.

Md. Sarwar Jahan, learned Advocate for the petitioner submits that as per the West Bengal Gram Panchayat Procurement Manual, 2014 Chapter 7 clause 7.1.5 bidders shall be asked to submit rate analysis for items where the quoted rates are either above or below 5% than the estimated cost which is also depicted in the NIT clause 16. However, the respondent No.7 has neither adhered to clause of the NIT nor the provision of the Procurement Manual, 2014 in accepting the bids submitted without rate analysis. The petitioner approached the Block Development Officer for redressal of such grievance. However, no steps have yet been taken. He seeks that the matter may be relegated to respondent no.6, Block Development Officer to take steps in respect of the complaint made by the petitioner. He informs the Court that the work order is yet to be issued.

Mr. Ansar Mandal, learned Additional Government Pleader appearing for the State submits that the Pradhan is the principal answering respondent. However, the matter may be relegated to the Block Development Officer to take decision on the allegations made by the petitioner. Already Block Development Officer has directed the Pradhan of the local Gram Panchayat not to proceed further with the tender process. He files report of Block Development Officer, Kaliachak-III Development Block dated 8th April, 2025, which is taken on record.

In view of such submissions, the respondent No.6, the Block Development Officer, Kaliachak-III Development Block is directed to take appropriate steps with regard to the complaint made by the petitioner dated 25th March, 2025 within a period of two months from the date of communication of this order upon notice and hearing all the interested parties including the petitioner as well as the successful tenderer. Parties shall be at liberty to produce all documents before the Block Development Officer.

The work order, if any, issued in favour of any tenderer will be subject to the decision taken by the Block Development Officer in respect of complain of the petitioner dated 25th March, 2025.

The petitioner is directed serve a copy of this order along with complaint dated 25th March, 2025 to

the Block Development Officer, Kaliachak-III Development Block.

With the aforesaid directions, the writ petition being **WPA 9025 of 2025** is disposed of.

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.)