

05  
13.05.2025  
Court No. 14  
AGM

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A 9691 of 2025**

**Prabhu Poly Pipes Limited & Anr.  
-versus  
Bengal Gas Company Limited & Ors.**

**Mr. Saptansu Basu. Sr. Adv.  
Mr. Srijib Chakraborty.  
Mr. Ankit Agarwala.  
Ms. A. Mukherjee.  
...For the Petitioners.**

1. None appears on behalf of the respondents.
2. Affidavit-of-service filed in Court today is taken on record.
3. The petitioner participated in a tender process floated by the respondent authority for procurement of MDPE pipeline for LMC work for CGD Project of Kolkata-GA on 2 years annual rate contract GeM Bid No.: GEM/2025/B/6130634 dated 10.04.2025. Tomorrow (14.05.2025) is the bid opening date.
4. The petitioner alleges that the eligibility conditions of the bid have been tailor made only to suit a particular contractor who is supplying the subject material at present.
5. A detailed representation from the end of the petitioner was forwarded to the authority.
6. The Special Commissioner to the Government of West Bengal, Department of Industry, Commerce and Enterprises, Petroleum and Natural Gas

Branch vide communication dated 24<sup>th</sup> April, 2025 forwarded the same to the Chief Executive Officer of the respondent Company with a request to look into the matter and to raise the issue before the upcoming Board meeting and the decision taken be intimated to the authority.

7. The petitioner is not aware as to whether the objection filed by the petitioner was placed in the Board meeting and whether any decision has been taken in respect of the same.

8. The petitioner is apprehensive that if the bid is opened on the scheduled date, that is, tomorrow, 14<sup>th</sup> May, 2025, prior to consideration of the representation filed by the petitioner, then the petitioner will be highly prejudiced.

9. In the absence of the respondents, it is not possible for the Court to decide the issue conclusively.

10. Since there is hardly any time left prior to the opening of the bid and the Court is not inclined to interfere in the tender process without hearing the authority, accordingly, the Court directs the Chief Executive Officer of the respondent no. 1 to immediately take a decision on the objection filed by the petitioner by passing a reasoned order.

11. If the stand of the petitioner is found to be proper, then necessary remedial measures shall be taken. If the claim of the petitioner is disallowed, then reasons therefor shall be intimated to the petitioner.

12. The authority is restrained from opening the financial bid till final disposal of the objection filed by the petitioner.

13. Learned advocate for the petitioner is directed to forward a copy of the representation dated 22<sup>nd</sup> April, 2025 to the Chief Executive Officer for immediate compliance.

14. The writ petition stands disposed of.

15. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**( Amrita Sinha, J.)**