

08
16.05.2025
d.p.

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

W.P.A 10700 of 2025

**Om Trading Company & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Pritam Majumder.
...For the Petitioners.**

**Mr. Vimal Kumar Shahi, AGP
Mr. Sm. Samim Ullah.
...For the State.**

**Mr. Sirsanya Bandyopadhyay,
Mr. Avishek Guha,
Mr. Subhajit Das.
...For the Respondent
Nos. 2 to 4.**

1. Affidavit of service filed in Court today is taken on record.

2. In response to the e-Notice Inviting Tender dated 5th February, 2025, the petitioners submitted its bid. The same stood rejected at the technical evaluation stage on the ground of non-submission of sufficient documents.

3. Learned advocate appearing on behalf of the respondent authority refers to page 76 of the writ petition where the certificate relied upon by the petitioners is annexed. The said certificate issued by the Bank indicates the solvency of the petitioners.

4. Learned advocate appearing on behalf of the respondent authority submits that as the said certificate was issued for obtaining enlistment of the

petitioners in some other organization, accordingly, the said certificate was not considered by the authority.

5. On a perusal of the terms and conditions of the e-Notice Inviting Tender, it appears that an applicant was required to produce current Bank solvency certificate of minimum 20% of the estimated amount from 'A' scheduled Bank recognized by the Government of India obtained within six months from the date of publishing the Notice Inviting Tender.

6. In the instant case the petitioners have filed a certificate disclosing its solvency. The certificate may have been issued for obtaining enlistment before some other authority but the same ought not to stand in the way of the authority to ascertain the petitioners' solvency relying on the said certificate.

7. The purpose of the certificate is to judge as to whether the applicant has the solvency to participate in the tender process. The statement of the bank disclosing the figure in the bank account of the petitioners is important and required to be considered. The authority misdirected itself and placed importance on some other factor ignoring the solvency statement of the petitioners.

8. The reason put forward by the authority in not accepting the petitioners' technical bid does not appear to be proper.

9. In view of the above, the Superintending Engineer (Civil) being the respondent no.4 herein is directed to consider the bid of the petitioners as valid at the technical stage and thereafter evaluate its bid in terms of the Notice Inviting Tender.

10. As it has been submitted that the authority has already approved the bid of one New India

Construction, accordingly, a fair opportunity of hearing ought to be given to the said bidder prior to taking a final decision in the matter.

11. Decision shall be taken by the authority at the earliest.

12. Till a decision is taken, work order in favour of the approved bidder shall not be issued.

13. The writ petition stands disposed of.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)