

03
01.07.2025
AGM

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

**W.P.A 11811 of 2025
CAN 1 of 2025
CAN 2 of 2025
(Not found)**

**Minicon
-versus
The State of West Bengal & Ors.**

**Mr. Satrajit Sinha Roy.
Ms. Susmita Adhikary.
...For the Petitioner.**

**Mr. Vivekanda Bose.
Mr. Kushal Das.
... For the State.**

**Mr. Swarup Paul.
Mr. Surya Maity.
Mr. Gurusaday Dutta.
Mr. Anish Roy.
... For the applicant.**

1. The matter relates to supply of cooked food in the Bishnupur District Hospital.
2. A tender was floated by the authority in the year 2020. The person who was awarded the contract expressed his inability to continue with the work.
3. A writ petition was filed by the erstwhile contractor seeking for a direction upon the hospital to consider his representation for releasing him from the contract. Order was passed by the Court on 25th February, 2025 in **WPA 1168 of 2025 (Swapan Kumar Chandra -Vs- The Director of Health Services & Ors.)**.

4. The authority accepted the request of the erstwhile contractor Swapan Kumar Chandra and proceeded to issue contract in favour of the L2 bidder in the tender process of the year 2020. The petitioner is aggrieved by the same.

5. It has been submitted that the authority ought to float fresh tender for selecting a bidder and ought not to have offered the proposal to the L2 bidder in the erstwhile tender process for continuation of the contract.

6. According to the petitioner, the contractual period has ended and the authority should float a fresh tender so that the petitioner, as a prospective bidder, could participate in the same.

7. An application for addition of party has been filed by one Siba Prosad Banerjee, who was the L2 bidder in the erstwhile tender process. Offer has been given to the applicant to seek his willingness to perform the work of supplying cooked diet. The applicant is agreeable to accept the proposal of the Authority.

8. The Court finds that the presence of the private respondent is necessary for the purpose of effective adjudication of the instant writ petition and, hence, allows the application seeking addition of party.

9. The applicant be formally added as respondent in the array of respondents of the writ petition. CAN 1 of 2025 stands disposed of.

10. Learned advocate representing the State respondents submits, upon instruction that, the authority has already offered the contract to the second lowest eligible bidder of the subject tender and as the L2 bidder is agreeable to work on the same terms and conditions of the tender document,

accordingly, the authority intends to accept the proposal of the private respondent.

11. Upon hearing the parties, it appears that the tender process which was initiated by the authority in the year 2020 continued till the contractor who was engaged expressed his inability to continue with the contract. The Authority, accordingly, offered the proposal to the L2 bidder and the L2 bidder is ready and agreeable to perform the work.

12. The Court does not find any illegality in the stand adopted by the Authority. The same appears to be reasonable and a justified one.

13. As and when fresh bids are invited, then all eligible participants may participate in the tender process. Right now, there is no reason for interference in the instant writ petition.

14. The writ petition fails and is hereby dismissed.

CAN 2 of 2025

16. Since the writ petition has already been dismissed, no further order is required to be passed in the connecting application being CAN 2 of 2025. The same stands dismissed.

17. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)