

09
04.09.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 13433 of 2025

Md. Amirul Molla
Vs.
The State of West Bengal & Ors.

Mr. Tapash Kumar Mondal.
Mr. Partha Basu.

... for the Petitioner.

Mr. Amal Kumar Sen. A.A.G.
Ms. Pritikana Gatait.

... for the State.

1. The petitioner refers to the Notice Inviting E Tender dated 4th March, 2025 in respect of 27 items. Work orders were issued in respect of the first four of the items and the petitioner is a beneficiary in respect of the item mentioned at serial no. 2.
2. The petitioner alleges that no work order has been issued in respect of serial nos. 5 to 27 allegedly on the ground of non-availability of fund.
3. The NleT in respect of the said works from serial nos. 5 to 27 stood cancelled without issuance of the work order.
4. The petitioner prays for a direction upon the authority to issue the work order in respect of the balance items.

5. The submission of the petitioner cannot be accepted at all.
6. The Authority has disclosed that it does not have the funds to proceed with the said works and, accordingly, there is no purpose to direct the State to proceed with the work in the absence of funds.
7. As work order has not been issued, no right accrued in favour of the petitioner at all. It is beneficial for the petitioner that the tender stood cancelled prior to issuance of the work order or else the petitioner would have performed the work and may not have received payment for the same.
8. In view of the above, no relief can be granted to the petitioner in the instant case.
9. The writ petition fails and is hereby dismissed.
10. The petitioner prays for refund of the earnest money. As the NIeT has been cancelled, the earnest money of the bidders be refunded without any delay.
11. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)