

24.06.2025.
Item No. 11.
Court No. 13
ap

M.A.T. No. 912 of 2025
With
I.A. No. CAN 1 of 2025
And
I.A. No. CAN 2 of 2025

Md. Rejaul Hoque
Versus
State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Kiron Sk.

...For the appellant.

Mr. Santanu Kumar Mitra,
Mr. Amartya Pal.

...For the State.

Mr. Amitava Chaudhuri,
Mr. N. Roy.

...For the Nowda Panchayat Samiti.

Md. Sarwar Jahan,
Mr. Abu Mesa,
Ms. Tapati Sarkar,
Mr. Asif Mehdi.

...For the respondent no.9.

Re: CAN 1 of 2025

1. Affidavit-of-service filed in Court today be taken on record.
2. CAN 1 of 2025 is an application for seeking leave to file an appeal against the judgment and order dated 17th June, 2025 passed by a learned Single Judge of this Court in W.P.A. No. 12673 of 2025.
3. After hearing the submissions of the Counsel for the respective parties and considering the averments made in the said application, CAN 1 of 2025 is allowed granting leave to file an appeal by the proposed appellant.

4. Since leave has been granted to the appellant to prefer the instant appeal, he may be added as party respondent in the writ petition before the Court below.

5. There will be no order as to costs.

Re: M.A.T. 912 of 2025

6. The instant intra court appeal is directed against the judgment and order dated 17th June, 2025 passed by a learned Single Judge of this Court in W.P.A. No. 12673 of 2025.

7. The writ petition was filed by the private respondent no.9, who challenged the cancellation of an earlier Tender Process No. 003/2025/NOWDA/PS for running the Patikabari Kanainagar Ferry Ghat at Nowda Panchayat Samiti.

8. The facts of the case that appear from the stay application indicate that a learned Single Judge of this Court has, by a judgment and order dated 24th January, 2025, rejected the claim of Nowda Thana Ferry Service Co-operative Society and allowed the writ petition of Murshidabad Patni Co-operative Society Limited. The Panchayat Samiti was directed to settle the Ferry Ghats operation rights upon holding an e-auction.

9. Pursuant thereto, e-auction being No.3 of 2025 was conducted by the Nowda Panchayat Samiti, for rights to operate the Patikabari Kanainagar Ferry Ghat but could not be completed due to a technical glitch. The final three successful bidders were, by a

communication dated 15th May, 2025, directed to participate in a Manual Auction in respect of Patikabari Kanainagar Ferry Ghat.

10. The proposed appellant herein was not even invited in the Manual Auction process since he did not guilty even in the e-auction process. By a communication dated 20th May, 2025, the respondent no.9 was notified that he was a successful bidder and/or asked to deposit his bid amount of Rs.26,10,000/- (Rupees twenty six lakhs ten thousand only). The respondent no.9 did so on the very next day.

11. However, by a communication dated 22nd May, 2025 appearing to have been signed on the same day but pre-dated 20th May, 2025. The auction process was cancelled by Nowda Panchayat Samiti. A fresh auction notice being No.4 of 2025/NOWDA/PS dated 5th June, 2025 was issued thereafter.

12. The respondent no.9 aggrieved by the cancellation of the successful bid and declaration of a fresh auction, filed a writ petition being W.P.A. No. 12673 of 2025. The Single Bench prima facie found favour with the writ petitioner/respondent no.9 and stayed the fresh auction process. Hence the instant appeal.

13. It is specifically argued by the Counsel for the respondent no.9 before this Court that the West Bengal Panchayat (Panchayat Samiti Administration) Rules, 2018 prescribe a minimum 72 hours' notice in

case of emergency and otherwise seven days notice to be issued prior to convening of a meeting of the Samiti's Governing Body.

14. This Court is unable to appreciate as to how a decision dated 20th May, 2025 could have been cancelled within two days thereafter without complying with 72 hours mandatory notice period.

15. There is, therefore, merit in the submissions of the Counsel for the writ petitioner/respondent no.9 that cancellation of the tender process where he was actually successful was actuated by mala fides and arbitrary and for collateral purposes.

16. In the backdrop of the above, the decision cited by the Counsel for the appellant namely case of ***Tata Motors Limited – Vs. – The Brihan Mumbai Electric Supply & Transport Undertaking (Best) & Ors.*** reported in ***2023 LiveLaw (SC) 467*** and in the case of ***M/s. N.G. Projects Limited – Vs. – M/s. Vinod Kumar Jain & Ors.*** reported in ***(2022) 6 Supreme Court Cases 127*** would have no manner of application in the facts of the present case.

17. In the case of ***Tata Motors Limited (supra)***, the issue was interference by a Court when a contract duly awarded was underway.

18. It is in such circumstances that the Court has been asked to go in interference in the tender matters. The law with regard to mala fide and arbitrariness, as laid down in the decision of ***Tata Cellular Limited –***

Vs. – Union of India reported in ***(1994) 6 SCC 651*** has otherwise not been disturbed. Similar is the reference to paragraph 23 in the case of ***M/s. N. G. Projects Limited (supra)***.

19. In the said case also work was already commenced by the appellant. The technical bid of the respondent was rejected on several valid grounds by the TEC. It is in that context that the Supreme Court cautioned against casual interference by the High Courts in Tender matters.

20. In the backdrop of the above, this Court is not inclined to interfere with the impugned order dated 17th June, 2025 passed by a Single Judge of this Court. M.A.T. 912 of 2025 must fail and is hereby dismissed.

21. In view of dismissal of the appeal itself, the connected application being CAN 2 of 2025 shall also stand dismissed.

22. There will be no order as to costs.

23. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)