

06
16.07.2025
AGM

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

W.P.A. 14971 of 2025

**M/s. Rupa Enterprises
-versus
The State of West Bengal & Ors.**

**Mr. Soumik Dey.
Mr. Saikat Pal.Mr.
Mr. Subhamoy Paul.
... For the petitioner.**

**Mr. Nilotpal Chatterjee.
... For the State.**

**Mr. Arka Maity.
Mr. Aniruddha Singh.
Ms. Salini Bhattacharya.
Ms. Gulsanwara Pervin.
... For the respondent no. 9.**

1. Affidavit-of-service filed today in Court be kept with the records.
2. Pursuant to an E-tender notice for providing security services for Medical Colleges/Hospitals of the Government Health Hospitals by the office of the Chief Medical Officer of Health, Nadia in November 2023, the petitioner submitted its bid and being found successful was issued work order.
3. According to the notice inviting E-tender, the period of work was one year, likely to be extended for three years based upon satisfactory performance to be renewed at the end of each completed year.
4. The petitioner commenced work from December 2023.

5. By a communication dated 30th January, 2025, the Chief Medical Officer of Health, Nadia intimated the petitioner that the E-tender pursuant to which the petitioner was provided the work has been cancelled with immediate effect and the petitioner has been requested to stop providing any services in connection with the said E-tender with immediate effect.

6. Fact remains that despite issuance of the cancellation of E-tender notice, the petitioner claims to have been verbally requested to continue with the work as there is no other agency to perform the work which the petitioner is currently performing.

7. A supplementary affidavit has been filed by the petitioner annexing a further communication dated 8th July, 2025 which required the petitioner to submit an explanation as to why no action would be taken against the agency for providing false declaration in the bid submitted for E-tender pursuant to which work order was issued in its favour.

8. The petitioner has already submitted its response to the said notice dated 8th July, 2025 and the same is pending consideration at the end of the Chief Medical Officer of Health, Nadia.

9. Specific contention of the petitioner is that prior to cancellation of the tender notice pursuant to which the petitioner was providing services, a notice and an opportunity of hearing ought to have been provided to the petitioner. Violation of principles of natural justice has been alleged.

10. Prayer has been made to set aside the order of cancellation of the tender notice.

11. Learned advocate representing the private respondent submits that the petitioner was the sole bidder in the tender process. As per the financial rules any tender with a single bidder cannot be accepted. The

same ought to be cancelled and fresh tender ought to be floated.

12. The aforesaid contention of the private respondent is denied by the learned advocate for the petitioner.

13. Be that as it may, it appears that despite issuance of a notice on 30th January, 2025 for cancellation of the tender, pursuant to which work order was issued to the petitioner, the Hospital Authority verbally directed the petitioner to continue with the services which the petitioner obliged. Payment has also been made to the petitioner for the services provided till the month of March 2025.

14. Learned advocate for the petitioner submits that the hospital authority requested the petitioner to provide the services and the petitioner, accordingly, provided services for the month of June 2025.

15. As it appears that a show cause notice has been issued and reply has already been forwarded by the petitioner, accordingly, the Chief Medical Officer of Health, Nadia is directed to decide the issue in accordance with law after giving reasonable opportunity of hearing to the petitioner and dispose of the proceeding at the earliest.

16. If the Authority is not satisfied with the reply provided by the petitioner, then necessary consequential steps shall be taken.

17. The writ petition stands disposed of.

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

(Amrita Sinha, J.)