

26-09-2025

ct no. 13

Sl. 5

sp

MAT 1203 of 2025

With

CAN 1 of 2025

With

CAN 2 of 2025

Subhodip Construction & Anr.

-Versus-

The State of West Bengal & Ors.

Mr. Partha Ghosh,
Mr. Debashis Das,
Mr. Bratin Suin.

...for the appellants.

Mr. Swapan Kr. Datta, Id. Sr. Adv.,
Mr. Dipankar Das Gupta.

..for the State.

CAN 1 of 2025.

1. CAN 1 of 2025 has been filed seeking condonation of delay of 37 days in filing the instant appeal.
2. Sufficient grounds are available to indicate the delay in filing the instant appeal.
3. Hence, the delay is condoned.
4. Accordingly, CAN 1 of 2025 is allowed and disposed of.

MAT 1203 of 2025

5. Accommodation is sought on behalf of the appellant/petitioners.

6. This Court is not inclined to entertain such prayer since there appears to be no infirmity in the impugned order.
7. It appears from the record that the appellant/petitioner participated in a tender process issued by the Balurghat Municipality for construction and up-gradation of different cement concrete roads in various Wards within Balurghat Municipality.
8. The appellant participated in a tender process by submitting a technical bid. The technical bid was found to be incomplete without document, particularly, ESI registration number and absence of an audit report.
9. The Single Bench found that the appellant had registered with the ESI after the NIT was issued and obtained registration and paid past ESI dues, before the last date of closing of tender application. Admittedly, the appellant did not have an ESI registration at the time when the registration was issued. The respondent Municipality cannot be left in the lurch if any demand of the ESI authority is raised on him for any past accumulation or non-payment.

10. In the backdrop of the above, rejection of the appellant's technical bid and disallowing him to participate in the financial bid, was justified. The impugned order dated 22nd April, 2025 even otherwise calls for no interference in view of the dicta of the Supreme Court of a cautious approach with regard to the interference in tender processes.
11. In view of the backdrop of the aforesaid, this Court is not inclined to entertain the appeal inter alia in the decision of ***Silppi Constructions Vs. Union of India*** reported in **(2020) 16 SCC 489**, particularly paragraph nos. 8 and 9 which are as follows:

Para-8: In Raunaq International Ltd. vs. I.V.R. Construction Ltd., this Court held that superior courts should not interfere in matters of tenders unless substantial public interest was involved or the transaction was mala fide.

Para-9: In Air India Limited vs. Cochin International Airport Ltd., this Court once again stressed the need for overwhelming public interest to justify judicial intervention in contracts involving the State and its instrumentalities. It was held that Courts must proceed with great caution while exercising their discretionary powers and should exercise these powers only in furtherance of public interest and not merely on making out a legal point.
12. Hence, MAT 1203 of 2025 shall stand dismissed.

13. Consequently, CAN 2 of 2025 shall also stand dismissed.
14. Interim orders, if any, shall stand vacated.
15. There shall be no order as to costs.
16. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)