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14.08.2025
AGM

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

W.P.A 18493 of 2025

**M/s Jai Ma Tara Bus Services
-versus
Indian Oil Corporation Limited & Ors.**

**Mr. Bhaskar Prasad Banerjee.
Mr. Parashar Baidya.
...For the petitioner.**

**Mr. Sabyasachi Chowdhury. Sr. Adv.
Mrs. Sharmistha Ghosh.
Ms. Sanjukta Dutta.
Mr. Ranit Roy.
... For the respondent nos. 1, 2 and 3.**

1. Affidavit-of-service filed in Court today is kept with the records.

2. None appears for the respondent no. 4.

3. The petitioner participated in a tender floated by Indian Oil Corporation Limited (in short 'IOCL') on 21st February, 2025 for operation of small vehicles on monthly and day to day basis at Haldia Refinery for the period 2025-27. The petitioner emerged as the L2 bidder.

4. The petitioner was the existing supplier of small vehicles and as the L1 bidder was yet to place his vehicles, accordingly, the petitioner was given an extension to continue with the work till the end of August 2025.

5. IOCL, thereafter, floated a further tender on 2nd July, 2025 in which the petitioner participated. The

financial bid of the said tender has not been opened till date; only the techno commercial bid has been opened. IOCL did not proceed with the second tender.

6. The petitioner is apprehensive that IOCL may scrap the second tender process and will execute the contract in favour of the L1 bidder of the earlier tender process.

7. Prayer has been made to direct IOCL to proceed with the second tender process floated on 2nd July, 2025.

8. Learned advocate representing IOCL submits, upon instruction that, the petitioner admittedly is the L2 bidder in the first tender process. As the L1 bidder was not responding to the various correspondences made by IOCL for supplying the vehicles, for abundant precaution the second tender was floated. The financial bid of the second tender has not been opened till date. After the second tender process was initiated, the L1 bidder in the first tender has provided the vehicles and gate passes have also been issued.

9. As per the general terms and conditions of the contract, the L1 bidder has ninety days' time for mobilization of the vehicles. The L1 bidder placed the vehicles within the stipulated time period. IOCL intends to enter into a contract with the L1 bidder and the first tender process will be taken to its logical conclusion. IOCL intends to abandon the second tender floated on 2nd July 2025.

10. Upon hearing the parties it appears that the right of the petitioner in the second tender has not accrued till date. Mere participation without finalization of the tender process does not create a right in favour of the bidder.

11. The petitioner is the L2 bidder in the first tender process. The L1 bidder has been able to provide the vehicles within the stipulated time period and IOCL intends to proceed with the L1 bidder.

12. It does not appear that any of the fundamental rights of the petitioner has been infringed by the Authority.

13. In view of the above, no relief can be granted to the petitioner in the instant case.

14. The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)