

1. Two appeals are taken up for analogous hearing as same issues are involved.

2. Both the appeals are at the behest of the writ petitioner.
3. Certified copy of the impugned judgment and order filed in Court be taken on record.
4. By the impugned judgment and order, learned Single Judge dismissed both the writ petitions.
5. Learned advocate appearing for the appellant in both the appeals submits that the appellant participated in the tender process for Design and Engineering, Manufacture/Procurement, Testing Supply, Installation and Commissioning of Rooftop Grid Connected Solar PV system at various locations across West Bengal including five (5) years Comprehensive Maintenance on turnkey basis. As well as the tender process for Design and Engineering, Manufacture/Procurement, Testing Supply, Installation and Commissioning of Rooftop Grid Connected Solar PV Water Pumping System (SPWPS) at various locations across West Bengal including five (5) years Comprehensive Maintenance on turnkey basis. In both the tender processes, one Clause offends the appellant as it prevents the appellant from participating.
6. Learned advocate appearing for the appellant submits that the appellant is the lowest existing tenderer for the 2023 tender process. He submits

that there was no reason for introduction of the Clause which ousts the participation of the appellant in the tender processes.

7. Learned advocate appearing for the appellant submits that the authorities issued a corrigendum on August 14, 2025 extending the time to submit documents in terms of the tender process. A corrigendum was issued on August 18, 2025 withdrawing the offending Clause, namely Clause 1.14.1 of the Notice inviting the Request for Proposal. He submits that the corrigendum withdrawing Clause 1.14.1 was again withdrawn on August 18, 2025 within a span of about of 2 hours. He submits that, the action of the respondent authorities in introducing clause 1.14.1 and thereafter withdrawing the corrigendum are arbitrary.
8. Learned advocate appearing for the appellant submits that entire tender processes are yet to be finalized. Therefore, a reasonable opportunity should be granted to the appellant to participate in the tender processes on the basis of the first corrigendum issued on August 18, 2025 withdrawing Clause 1.14.1 of the Notice inviting Request for Proposal.
9. Learned Senior advocate appearing for the State submits that the time to submit the tender expired. The authorities are proceeding with the tender. Technical bid is being evaluated. Tender was conducted on an

online basis. At this stage, to allow the appellant to participate in the tender process will seriously prejudice the tender process itself.

10. Learned Senior advocate appearing for the respondent submits that there was justification for the respondents issuing the initial corrigendum dated August 18, 2025 and subsequently withdrawing the same on August 18, 2025 itself. He points out that during the period when the first corrigendum dated August 18, 2025 was subsisting the appellant did not submit any bid. Therefore, he submits that the appellant should not be allowed to participate in the tender process.
11. The appellant before us is an existing tenderer of the last tender process relating to Solar PV system for the year 2023.
12. Respondent authorities issued notice inviting Request for Proposal in respect two works. Such notice was issued sometime in July, 2025. Both the tender documents contain similar Clauses. The offending Clause so far as the appellant is concerned is as follows:-

“1.14.1.4 Bidder must have local office and trade License anywhere in West Bengal for minimum three (03) years from the date of issuance of the Notice Inviting RfP. Bidder must have GST Registration in West Bengal for last Three (03) Years from the date of Issuance of the Notice Inviting RfP.

1.14.1.5 Bidder must have valid electrical contractor license issued by the appropriate authority of Govt. of West Bengal.

1.14.1.6 Bidder must have valid ISO 9001 and 14001 certifications.
(Deleted)”

13. By reason of the Clauses noted in the preceding paragraph, the appellant stood disqualified from participating in the two tender processes.
14. Respondent authorities, however, issued a corrigendum dated August 18, 2025 by which Clause 1.14.1 of the notice inviting requests for proposal were withdrawn. This corrigendum dated August 18, 2025, if continued with, would allow the appellant to participate in the tender process. However, the respondents withdrew the corrigendum dated August 18, 2025 on August 18, 2025 itself. The net result is that the authorities went back to the original tender clauses. In other words, Clauses 1.14.1.4 to 1.14.1.6 would continue to govern the tender process.
15. The appellant did not submit any bid documents within the span of two hourss when the first corrigendum dated August 18, 2025 was subsisting till its withdrawal on such date itself.
16. We perused the first corrigendum dated August 18, 2025. It refers to a decision of the Request for Proposal inviting authority who claimed that it carefully reviewed the general Notification vide Clause No. 1.14.1 of the Notice inviting Request for Proposal and some amendments were considered. Consequently, necessary amendments were issued to the

notice inviting request for proposal by the corrigendum dated August 18, 2025.

17. The second corrigendum dated August 18, 2025 which purports to withdraw the first corrigendum dated August 18, 2024, however, does not refer to any decision of the Request for Proposal inviting authorities.
18. The first corrigendum dated August 18, 2025 discloses that the Request for Proposal inviting authority considered the general qualification, namely Clauses 1.14.1 with considerable gravity and thereafter decided to issue the amendments. The second corrigendum, however, is bereft of any statement to such effect. No reason is ascribed as to why the amendments introduced were required to be withdrawn.
19. It is not explained as to why within a span of two hours the decision which was uploaded on August 18, 2025 of amending clause 1.14.1 of the general notification was sought to be withdrawn on the same date.
20. This conduct of the respondent authorities itself establishes that the second corrigendum dated August 18, 2025 was issued arbitrarily. It is not informed with reasons.
21. Tender process is yet to be completed. Technical evaluation of the submitted tenders is in progress.

22. Our attention is not drawn to the fact that any other person approached the Writ Court for similar relief with regard to the tender process. Appellant before us is the only party who seeks relief with regard to subject tender process.
23. In such circumstances and in our view, ends of justice would be subserved by permitting the appellant to submit the tender bid documents within 16-00 hrs. of September 8, 2025 with the respondent no. 3 at his office as describing in the cause title of the memorandum of appeal, physically. In the event, such bid documents are submitted by the appellant physically, the authorities will evaluate and consider the bid of the appellants, in accordance with law.
24. We clarify that we did not enter into the merits of the bid to be submitted by the appellant in any manner whatsoever. The same is left open to be decided by the authorities, in accordance with law.
25. **M.A.T. 1375 of 2025** and **M.A.T. 1377 of 2025** and the connected application in both the appeals are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

26. I agree

S.D.

(Md. Shabbar Rashidi, J.)