

01-07-2025
Item No.629 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.20269 of 2024

Sukla Pramanik

-vs-

The State of West Bengal & Ors.

Mr. K.M. Hossain
Ms. Keya Sutradhar ...for the petitioner

Mr. Srijan Nayak
Ms. Rituparna Maitra
Mr. Ankit Sureka ...for the cooperative society

1. The petitioner seeks payment of certain bills.
2. The Cooperative Directorate of the State floated a tender pursuant to which one Arabinda SKUS Limited inducted the petitioner for performing the work. The bills of the petitioner are yet to be cleared by the said Arabinda SKUS Limited.
3. It appears that the tender implementing authority, that is Sri Arabinda SKUS Limited, has not approached the State with the allegation of non-payment of bills.
4. The petitioner does not have any privity of contract with the Cooperative Directorate of the State. At best, the petitioner may have a grievance against the said Aarabinda SKUS Limited.
5. The tender implementing authority cannot be treated as State under Article 12 of the Constitution and, accordingly, the writ petition at the instance of the petitioner seeking direction either upon the State or the said Arabinda SKUS

Limited for clearing the bills cannot be accepted by the Court. The writ petition fails and is hereby dismissed.

6. However, dismissal of the writ petition will not preclude the petitioner from taking steps against the tender implementing authority for recovery of the due amount in accordance with law, if so advised.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]