

04
29.08.2025
d.p.

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

W.P.A 19829 of 2025

**Tirupati Agro Seed Distributors Pvt. Ltd. & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Amales Ray, Sr. Adv,
Ms. Mousumi Bhowal,
Mr. Aman Gupta.
...For the Petitioners.**

**Mr. Sirsanya Bandopadhyay, Sr. SC,
Ms. Tapati Samanta.
...For the State.**

1. Supplementary affidavit filed in Court today is taken on record.
2. The petitioners participated in a tender process floated by the District Programme Officer (ICDS), Malda for supplying certain materials. The bid of the petitioners stood rejected for non-submission of the profession tax payment certificate with payment challan.
3. The petitioners assert that all documents required for submission as per the tender document were uploaded in the portal.
4. The petitioners have filed supplementary affidavit in the instant writ petition annexing documents which the petitioners submit are the required documents as per the tender notice.
5. An objection was also raised by the petitioners challenging the rejection but the same is alleged to be kept pending.

6. Learned advocate appearing on behalf of the State respondents submits, upon instructions that, technical e-evaluation of the bids has been conducted but the financial bid is yet to be opened. The reverse auction process is still due.

7. It has been fairly submitted by the learned counsel representing the State that the objection raised by the petitioners may be considered by the authority in accordance with the tender document.

8. Without entering into the merit of the allegations of the petitioners as it appears that the petitioners have already made an objection before the authority and has placed before this Court documents in support of the submission that all necessary documents are available with the petitioner in accordance with the tender document, accordingly, the instant writ petition is disposed of by directing the respondent no.4 being the District Programme Officer to take into consideration the objection raised by the petitioners on 20th August, 2025 annexed at page 53 of the writ petition at the earliest but positively prior to the start of the reverse auction process.

9. None of the other bidders ought to be prejudiced by the consideration of the petitioners' objection. The principles of natural justice shall be complied with by providing opportunity of hearing to all the necessary parties. If the authority is of the opinion that the petitioners may be permitted to continue in the tender process, then necessary consequential steps shall be taken.

10. Liberty is granted to the petitioners to forward all necessary documents in support of their claim to the aforesaid respondent at the time of communicating the order of the Court.

11. The writ petition stands disposed of.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)