

16.10.2025
Sl. No. 8
Ct No. 5
SG

WPA 23319 of 2025

**Dilip Chowdhury
Vs
State of West Bengal & Ors.**

Mr. Sarajit Roy Chowdhury,
Ms. Debjani Sengupta,
Mr. S. Panda.

...for the petitioner

Ms. Parna Roy Choudhury.

...for the State

Mr. Ratul Biswas,
Mr. S. Kanu.

...for respondent nos. 5 - 7

1. Affidavit-of-service filed by the petitioner is taken on record.
2. Parties are represented through their respective counsels.
3. The petitioner challenges the entire tender process in respect of Public Ferry service wherein the petitioner had participated and had been declared successful in the technical bid by the Zilla Parishad authorities. In the meantime, by dint of a memo No. 2036/PBZP/e-Auction dated 12.09.2025 fresh tender notice was invited.
4. The main grievance of the petitioner is that without taking any steps in terms of the notification bearing no. 3836-F(Y)/FA/0/2M/71/14 (Pt-II) dated 19.06.2017 wherein the petitioner had participated and had been

declared successful, the respondent Zilla Parishad issued fresh notice inviting tender.

5. The petitioner submits that already technical bid was floated and by a letter dated 30.07.2025 the Zilla Parishad authorities requested petitioner to be present physically on 04.08.2025 at 12.30 PM in the 1st floor meeting hall of the office building along with all relevant documents/papers to participate in the physical auction instead of online auction to complete the financial bid process. In pursuance of such request made by the Zilla Parishad, the petitioner was physically present on the event but the financial bid was not held. Therefore, the petitioner made a representation to the Secretary of the Zilla Parishad requesting, inter alia, for completing the financial bid of the Dewanganj Ferry Gaht. The petitioner submits that inspite of making such request, there was no reply from their end.

6. The petitioner further submits that during the pendency of the earlier e-Auction, another notice being Memo No. 2306/PBZP/e-Auction dated 12.09.2025 was floated by the Zilla Parishad.

7. The petitioner prays, inter alia, to complete the tender process initiated by dint of Memo No. 1661/PNZP/e-Auction dated 23.06.2025 in terms of Notification No. 3836-F(Y)/FA/O/2M/71/14(Pt-II) dated

19.06.2017 and cancel the entire process initiated by Memo No. 2306/PBZP/e-Auction dated 12.09.2025.

8. Learned Counsel appearing for the respondent submits that by a letter dated 10.10.2025 the petitioner was informed about the cancellation of the e-Auction No.03 of 2025-26 (2nd call) vide Memo No. 1957/PBZP dated 29.07.2025. The same e-Auction was cancelled due to insufficient number of technical qualified bidders.

9. Copies of the letter dated 10.10.2025 and public corrigendum details filed by the State are taken on record.

10. After hearing the rival submissions of the parties and perusing the records, I am of the considered view that it is a well-settled principles of law as held in the recent judgment of ***The Principal Chief Conservator of Forest & Suresh Mathew & Ors., 2025 LiveLaw (SC) 482*** that government's right to cancel and reissue tenders, a judicial intervention in such tender related matters should be minimal. The judicial review should only occur in cases of mala fide actions or blatant arbitrariness. It is trite law that government authorities have the discretion to cancel tenders and reissue them especially when it is in the public interest or to safeguard financial resources.

11. It is also further observed in the case of ***Jagdish Mandal vs. State of Orissa & Ors., reported in (2007) 14 SCC 517*** which establishes that the judicial intervention

is warranted only when the decision to cancel or modify a tender is made with mala fide intentions, is arbitrary, or is aimed at favouring a particular party. The objection of tendering process is not limited to obtaining the best price but also to ensure fairness, transparency, and a level playing field for all participants.

12. In plethora of cases it has been held that the government as the custodian of the state resources has the responsibility to protect the public financial interests. This includes the right to cancel tenders if it believes that doing so will ultimately benefit state or improve the fairness of the procurement process.

13. In the instant case, this Court finds no element of arbitrariness or mala fide wherein a judicial intervention can be warranted to take cognizance of the actions taken by the authority concerned in cancelling the earlier e-Auction no. 3 of 2025-26 by subsequently floating a further notice inviting e-Auction no. 4 of 2025-26 dated 12.09.2025.

14. Accordingly, the present writ petition is dismissed.

(Smita Das De, J.)