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07.01.2025
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 24171 of 2024

**M/s. R.S. Technologies
-versus-
Union of India & Ors.**

**Mr. Sanjib Bandyopadhyay,
Mr. Nabhajit Basu,
Mr. Ashok Kumar Singh,
Mr. Indradeep Chakraborty,
Mr. Madhusudhan Sardar,
Ms. Shewtalina Majumder.
...For the Petitioner.**

**Mr. Sarda Sha.
...For the Respondents.**

1. Affidavit-in-opposition and the reply thereto be taken on record.

2. The writ petition arises out of a tender floated by the Chittaranjan Locomotive Works for supply of elastic ring to be used in the electric locomotive.

3. The petitioner participated in the tender but stood disqualified at the technical bid stage with the remark that the petitioner does not fulfill Clause 14.1.1, 7(b) of CLW Bid Document-2024 in serial no. 5 of the eligibility criteria. According to the petitioner, it fulfills all the requisite criteria for participating in the bid.

4. The petitioner contends that the Tender Issuing Authority has acted contrary to the guidelines laid down by the Indian Railways, Chittaranjan Locomotive Works wherein the manner of consideration of bid has been mentioned.

5. The petitioner raised objection against such cancellation by filing representation dated 7th September, 2024 before the General Manager, Chittaranjan Locomotive Works and alleges that the same has not been considered till date.

6. It appears from the submissions made on behalf of the parties that the supply order in favour of the successful bidder has already been issued. The petitioner, with the leave of the Court, has impleaded five parties whose bids stood accepted by the Company. None of the parties are represented.

7. Affidavit-of-service filed by the petitioner is already on record.

8. It is for the Tender Issuing Authority to ensure that the terms and conditions of the tender document are strictly followed at the time of consideration of the bids submitted by the bidders.

9. As there is an allegation with regard to violation of the terms and conditions of the bid document and the guidelines framed by the railway board and an objection by the petitioner is pending consideration, accordingly, the instant writ petition is disposed of by directing the competent authority which is empowered to look into the procurement related complaints relating to the procuring entity to decide the issue that has been raised by the petitioner in accordance with the prevailing guidelines after giving reasonable opportunity of hearing to all the necessary parties, including the private respondents and by passing a reasoned order at the earliest, but positively within a period of eight weeks from the date of communication of this order.

10. A reasoned order shall be passed and communicated to all the parties.

11. It is made clear that this Court has not entered into the merits of the claim of the petitioner

and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation dated 7th September, 2024 filed by the petitioner.

12. The Principal Chief Materials Manager, Chittaranjan Locomotive Works shall intimate the petitioner the details of the competent authority within a week from the date of communication of this order so that the petitioner can forward all documents to the said authority.

13. If the competent authority is of the opinion that the contention of the petitioner is correct, then necessary remedial steps shall be taken.

14. The respondents are directed to act on the basis of the server copy of this order downloaded from the official website of this Court.

15. The writ petition stands disposed of.

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

(Amrita Sinha, J.)