

28.01.2025
Item No.33
Ct. No. 30
Aloke

CPAN 1868 of 2024
In
WPA 26410 of 2024

M.B. Watch & Care Private Ltd. & Anr.
Vs.
Asis Kumar Dey, Deputy Director General (Head of
Office), Dept. of Information and Broad Casting &
Anr.

Mr. Prabir Maji
... for the petitioners

Mr. Swapan Kr. Nandi
Mr. Uttam Basak
... for the UOI

Mr. Rajarshi Halder
Mr. Chirantan Sarkar
... for the contemnor no. 2

The present contempt application has been preferred claiming violation of this Court's order dated 29.10.2024.

Vide the order dated 29.10.2024 the Court had directed as follows :

"The matter relates to tender process and there being no urgency the matter be placed before the regular Bench.

It is submitted that the work order issued shall expire tomorrow. The respondents are directed to consider the representation of the writ petitioner, if any, in accordance with law.

The representation of the writ petitioner shall be considered on giving proper hearing to the writ petitioner prior to initiating the process of fresh tender.

The writ petition stands disposed of".

Subsequent to the said order being passed on 29.10.2024 the Authority concerned being the Administrative Officer of Prasar Bharati, All India Radio, Kolkata, in compliance of this Court's order dated 29.10.2024 submitted a report as follows :

No.Kol-1(24)/2024-S(CourtCase)/181 Dated: 20-11-2024

*To M/S M.B. Watch & Care Private Limited,
(By name: Sri Monotosh Bera, Director),
171/2, Picnic Garden Road, P.S. Tiljala,
Kolkata-700039.*

*Sub: The Hon'ble High court order dated 29-10-2024 in
r/o W.P.A No.26410 of 2024 filed by M/S M.B. Watch &
Care Private Limited and Anr.*

Sir,

This is with reference to above, it is informed that, the fresh tender initiated by the Department several months ago and necessary order to such successful bidder before receiving of the Order of the Hon'ble High Court has been finalized after due process. And the Department already issued necessary order to such successful bidder before receiving the Hon'ble Court order dated 29.10.2024 which was ex party. Also, your representation was disposed of through GeM portal while awarding contract to the new agency giving the suitable reason in the column of Response Description on 28-10-2024.

It may be noted that the Ld. Advocate suppressed the material facts before the Hon'ble High court about the disposal of representation vide this office communication dated 23.10.2024 which was duly received by you through speed post and by email also, as well as completion of fresh tender process which was initiated 2(two) months ago and in which you have participated by submitting tender, but Department rejected the same due to violation of tender rules and norms which was already

indicated vide this Office letter dated 23.10.2024. You have full knowledge about the fact.

As such you have not approached the Hon'ble High court with clean hand and suppressed the material particulars. Even after receiving this office communication dated 23.10.2024 and disposed of your representation through GeM portal on 28-10-2024 where rejected your claim based on recommendation of the CAG Audit.

Hence in compliance with the Hon'ble Court order dated 29-10-2024 the representation of writ petitioner was considered in accordance with law.

The issue with the approval of the competent authority.”

A copy of communication dated 23.10.2024 bearing no. Kol-6(2)/2024-25 (Con.Lab)/160 dated 23.10.2024 issued by the Administrative Officer of Prasar Bharati, All India Radio, Kolkata, was communicated by e-mail dated 24th October, 2024 to the petitioner herein wherein it has been stated as follows :

“Sir/Madam

On the basis of recommendation of CAG Audit, this office has forced to restrict your firm for participating any bid through GEM or any other e-tender as your any your sister concerns participated in a bid in the year 2017-18 and secured contract which violates the principles of GFR.

This is with the approval of the competent authority.”

In view of the report filed and on hearing the learned counsel for both the parties, this Court finds that there is no prima facie violation of the order passed by the Court.

Accordingly, CPAN 1868 of 2024 stands dismissed.

There will be no order as to costs.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

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

(Shampa Dutt (Paul), J.)