

04-08-2025
Item No.12 & 13 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.1095 of 2023
Sima Das

-vs-

The Indian Oil Corporation Limited & Ors.
with

WPA No.28795 of 2022
Pratibha Das

-vs-

The Indian Oil Corporation Limited & Ors.

Mr. Amar Nath Sen
Mr. Malay Dhar

...for the petitioners
(in both WPAs)

Mr. Amit Kumar Nag

...for IOCL
(in WPA 1095/2023)

Mr. P. Chkraborty

...for IOCL
(in WPA 28795/2022)

1. The two writ petitions relate to the tender process floated by the Indian Oil Corporation Limited (IOCL) in the year 2022-23.
2. The petitioners allege that the provision for depositing security deposit for the Scheduled Castes and Scheduled Tribes candidates at concessional rate has been illegally withdrawn by the authority. Because of such illegal withdrawal of the aforesaid clause the petitioners were unable to participate in the tender process.
3. Learned counsel for IOCL submits that the tender process is long over and that work order has also been issued in favour of the successful

tenderers. The petitioners did not participate in the tender process at all whereas several other reserved category candidates participated in the process.

4. Learned counsel for the petitioners in both the writ petitions refers to a judgment delivered by the Hon'ble Supreme Court in the matter of Meerut Development Authority v. Association of Management Studies & Anr. reported in AIR 2009 SC 2894, para.17, wherein the apex court held that the terms of the invitation to tender cannot be open to judicial scrutiny, because the invitation is in the realm of contract. Limited judicial review may be made in cases where it is established that the terms of the invitation to tender was tailor-made to suit the convenience of any particular person with a view to eliminate all others from participating in the bidding process. The bidders have a right to equality and fair treatment.
5. In the instant writ petitions, it appears that non-granting of concession which the petitioners claim in respect of the reserved category candidates was absolutely general in nature. The same was not meant only for the convenience of a particular person.
6. Learned counsels for IOCL asserts, upon instructions, that twenty-six candidates of the reserved categories participated in the tender process and were found successful and offer letters were also issued in their favour.
7. In such circumstances, I am of the view that the decision relied upon by the learned counsel for the petitioners does not come to their aid.

8. It appears that it is too late in the day to interfere with the tender process where rights of third parties have accrued and crystalised. The work orders were issued nearly two years back. At this stage it will be highly improper to interfere with the same.
9. In view of the above, the writ petitions stand dismissed.
10. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
11. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]