

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

W.P.A 30819 of 2024

**Kanishk Global Solutions Private Limited
-versus
State of West Bengal & Ors.**

**Mr. Saptangshu Basu. Sr. Adv.
Ms. Sumita Shaw.
Mr. Nilendu Bhattacharya.
Mr. Sujit Gupta.
Mr. Soumen Chatterjee.
Ms. Shayani Das.
...For the Petitioner.**

**Mr. Swapan Banerjee.
Mr. Diptendu Narayan Banerjee.
... For the State.**

1. The matter relates to a tender floated by the Superintending Engineer, Central Highway Circle, Public Works (Roads) Directorate dated 18th September, 2024. The petitioner participated in the said tender process but was unsuccessful at the technical bid stage.
2. A representation was submitted by the petitioner which was considered in terms of the order dated 21st November, 2024 passed by this Bench in WPA 27063 of 2024. On consideration of the representation of the petitioner, the Superintending Engineer vide communication dated 26th November, 2024 intimated the petitioner that his bid was disqualified. The petitioner is aggrieved by the same and the said communication of the Superintending

Engineer dated 26th November, 2024 is impugned in the instant writ petition.

3. The impugned communication mentions that the petitioner relied upon certain documents in support of its work credential supposedly issued by Odisha Bridge & Construction Corporation Limited (OBCC) duly signed by the Chief General Manager (P&A). The Notice Inviting Authority at the time of confirming the genuineness of the said certificate has come to learn that the said certificate was fake and not issued by the concerned authority.
4. The Notice Inviting Authority was of the opinion that the work credential was an eligibility criteria and as the certificate submitted by the petitioner is fake and no other work credential submitted with the bid, the petitioner failed to qualify the qualification stipulated in the tender notice.
5. The petitioner was treated as disqualified in the technical evaluation stage.
6. The petitioner submits that the petitioner did submit other work credential with its bid. The H1 bidder, according to the petitioner, does not fulfill the eligibility criteria. The H1 bidder was supposed to deposit the security amount within a specified time period and that has also not been deposited despite extension of time to deposit the same.
7. Prayer has been made to treat the petitioner as eligible for participation in the tender.
8. Learned advocate representing the State respondents relies upon certain documents

forwarded by the office of the Superintending Engineer.

9. It has been pointed out that vide communication dated 3rd January, 2025 issued by the Superintending Engineer to the H1 bidder time has been extended for depositing the requisite fund. However, further steps have not been taken in view of the pendency of the instant writ petition.
10. None represents the private respondents.
11. Affidavit-of-service filed today in Court be kept with the records.
12. The notice of upgradation served upon the non-appearing respondents through e-mail is also taken on record.
13. Upon hearing the parties, it appears that the petitioner stood disqualified at the technical bid stage as the petitioner failed to meet the eligibility criteria. The documents relied upon by the petitioner in support of its eligibility turned out to be fake.
14. A participant of a tender process relying upon fake and false documents to obtain a tender cannot be granted any relief by the Court. The tenderer ought to have produced genuine documents in support of its eligibility criteria. It does not appear that the petitioner approached the authority with clean hands.
15. The Court is not inclined to grant any relief to a litigant who relies upon fake and false documents to obtain tender.

16. The submission that the H1 bidder does not meet the eligibility criteria is a matter to be decided by the tendering authority. It does not lie in the mouth of a dishonest person to make allegation or point fingers against the other tenderers who participated in the same tender process.
17. The writ petition fails and is hereby dismissed.
18. The documents submitted by the learned advocate representing the State respondents be retained with the records.
19. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)