

OD-4

ORDER SHEET

WPO No.99 of 2025
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

IN THE MATTER OF:
R. S. CONSTRUCTION CO. & ANR.
VS.
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date : 12th February, 2025.

Appearance:
Mr. Biswaroop Bhattacharya, Adv.
Mr. Vivekananda Bose, Adv.
Ms. Afreen Begum, Adv.
Mr. Ratikanta Pal, Adv.
...for the Petitioners.

Sk. Md. Galib, Sr. Adv.
Mrs. Jyotsna Roy Mukherjee, Adv.
...for State Respondents.

1. The petitioners challenge certain terms and conditions of the Notice Inviting e-Tender No. WBPHEd/EE/NleT-86/AD/2024-2025 dated 8th January, 2025 floated by the office of the Executive Engineer, Alipore Division, Directorate of Public Health Engineering, Government of West Bengal.
2. According to the petitioners, the eligibility criteria and the working experience set out in the notice inviting e-tender is tailor made for a handful of bidders. The petitioners allege that the terms and conditions

should be such that there is maximum participation and not only restricted to a handful of persons.

3. Several precedents have been relied upon by the petitioners in support of the above submission.
4. Learned Counsel representing the State respondents draws attention of the Court to the date and time schedule mentioned in the notice inviting e-tender. It appears that the tender was uploaded on 8th January, 2025 and the date of opening of the technical proposals (Online) was 27th January, 2025. The date of opening of financial bid (Online) was to be intimated later.
5. A report has been filed before this Court signed by the Executive Engineer, Alipore Division on 12th February, 2025 mentioning that the technical proposals opening date was 27th January, 2025 and it was opened on the same date. The financial proposal was opened on 6th February, 2025. The work order has been prepared and is to be issued today.
6. It appears that the petitioner has not participated in the tender process as he was not eligible to do so because he did not fulfill the eligibility criteria mentioned in the notice inviting e-tender. The writ petition has been filed after the financial proposal was opened.
7. At this stage after the tender process is practically over, there is absolutely no reason to proceed with the hearing of the instant writ petition. The same will only be academic in nature.
8. The writ petition stands dismissed.

9. The respondents may proceed with the issuance of the work order in accordance with the tender documents.
10. Report filed by the Executive Engineer, Alipore Division be retained with the records.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all legal formalities.

(AMRITA SINHA, J.)

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