

17.02.2026
Item No.09.
Ct. No.15
Suman

WPA 1584 of 2026
With
CAN 1 of 2026

Burdwan Solar and Anr.
-Vs-
The State of West Bengal and Ors.

Mr. Sayan Banerjee
Ms. Suparna Dutta
Ms. Tusi Naskar
..for the petitioners

Ms. Jhuma Chakraborty
Ms. Rupsha Chakraborty
..for the State

Mr. Rwitendra Banerjee
Mr. Shibasis Chatterjee
..for the Applicant

This writ petition is liable to fail primarily on the ground of non-joinder of necessary parties.

The grievance of the petitioners is that their bids, submitted pursuant to a Notice Inviting Tender dated December 17, 2025, issued by the Office of the Block Development Officer, Raninagar-I Development Block, Murshidabad, were arbitrarily rejected.

Learned counsel appearing for the petitioners submits that the petitioners had submitted their bids in respect of Serial Nos. 1, 2, and 3 on December 31, 2025. The tenders pertained to the installation of Solar Street Lights in three different

Gram Panchayats under Raninagar-I Development Block, Goas, Murshidabad. Thereafter, on January 14, 2026, the Tender Committee evaluated the bids and rejected the same, inter alia, on technical grounds.

It appears that in respect of Serial Nos. 1 and 2 of the tender notice, the bids submitted by one Ismail Hossain were accepted, and work orders were issued in his favour on January 15, 2026, with the condition that the works be completed within 45 days from the date of issuance of the work orders.

Ismail Hossain has filed an application (CAN 1 of 2026) in the present writ petition seeking addition as a party. It is contended by him that he has substantially executed the work orders by this time.

The present writ petition, however, was filed on January 21, 2026, i.e., seven days after the issuance of the work orders, without impleading any of the successful bidders as parties, including the successful bidder in respect of Serial No. 3. Undoubtedly, the successful bidders are proper and necessary parties to this writ petition.

Notwithstanding the above, this Court has proceeded to examine the merits of the contentions

raised by the petitioners, despite their failure to implead the successful bidders as parties.

As noted above, the petitioners' bids were rejected by the Tender Committee on the grounds of lack of requisite financial credentials and absence of the required technical experience.

The eligibility criteria in the tender notice dated December 17, 2025, inter alia, reads as follows:

"The eligibility criteria are given below:-

- 1) *Intending tenderers should produce credentials of a similar nature of work of the minimum value of 40% of the estimated amount put to tender during 5(five) years prior to the date of issue of this tender notice;"*

This Court finds no justification in the decision of the Tender Committee to reject the petitioners' bids on the ground of lack of financial credentials.

It appears from the value of tender works previously executed by the petitioners, as reflected at page 39 of the writ petition, that the petitioners possess the requisite financial credentials to participate in the present tenders. This aspect has not been seriously disputed by the respondents.

On an earlier occasion, it is also not in dispute that the petitioners have executed the following nature of works during the five years

preceding the issuance of the relevant tender notice:

Supply Installation Commissioning of 25 KW Solar roof top Solar power Generating Plant at BDO Office under Ranaghat II Block (Supplementary-Year 2024-25, Activity Cod-107527953)

Therefore, the only question that remains to be decided is whether the aforesaid nature of works executed by the petitioners can be regarded as “works of a similar nature” for the purposes of the tenders involved in the present writ petition.

There is no dispute before this Court that the relevant tenders are governed by the West Bengal Gram Panchayat Procurement Manual issued by the State Government. Chapter 6 of the said Manual deals with the “Principal Tender Stage for Works.”

Clauses 6.6 and 6.6.1 of the said Chapter are reproduced below:

“6.6. Similar Nature of Work: The Gram Panchayats need shall analyse the documents submitted by the Contractor as proof of credibility, eligibility or credential at the time of selection of eligible bidder for works contract under general works, sanitary or plumbing works and electrical works.

*6.6.1. List for similar nature of work (**Annex-23**) cannot be declared as exhaustive but indicative to guide and help the Gram Panchayat or Artha-O-Parikalpana Upa-Samiti on behalf of Gram Panchayat to enable them to reach to a decision for selecting potential bidder to execute any work.”*

Learned counsel appearing for the petitioners refers to the following portion of Annexure-23 to the writ petition.

“C. Category of Electrical Works

A	INSTALLATION OF WIRING, CASING, FITTING WORKS			REMARKS
i)	WIRING AND FITTING WORKS	a)	Installation, repairing of wiring/ casing/conceal wiring	Similar Nature
		b)	Fitting of light (FL Tube/Lamp/ LED Lamp etc.)/ Fan/ A.C. / Geiger/ M.C.B. (6-20Amp)/ inverter / DG set/ other domestic electrical appliances	Similar Nature
ii)	INSTALLATION OF PUMP	a)	Installation of pump motor set (hp) / submersible pump/ jet pump / bridge pump (0.5-2 hp) etc.	Similar Nature
		b)	Installation of street light/ street Solar Light /solar plant	Similar Nature

It is argued that, in view of the aforesaid, the “installation of solar street lights” ought to be treated as similar to the installation of a “solar rooftop generating plant,” as executed by the petitioners pursuant to an earlier work order.

On the other hand, learned counsel appearing for the applicant in CAN 1 of 2026 submits that the petitioners do not possess the requisite technical experience and, therefore, their bids were rightly rejected.

The resolution of the Tender Committee dated January 14, 2026, however, explicitly makes it clear that, in respect of all bidders including the petitioners, the Committee decided to accept experience relating only to the installation of solar street lights. No other credentials were considered to be valid.

Annexure-23 of the West Bengal Gram Panchayat Procurement Manual does not specifically indicate what nature of work is to be treated as similar to the installation of solar street lights. Clause 6.6.1, as quoted above, also suggests that Annexure-23 is not exhaustive but merely indicative, intended to guide the Tender Committee in arriving at a decision regarding the acceptance of a bid.

The said Manual only suggests that, for the purpose of “installation of pumps,” experience relating to “installation of street lights/street solar lights/solar plants” is to be treated as similar. As a logical corollary, it cannot be said that, for the purpose of installation of solar street lights, experience relating to installation of solar plants must necessarily be treated as work of a similar nature.

Annexure-23 of the West Bengal Gram Panchayat Procurement Manual is category-specific and contextual. Under the category “Installation of Pump,” the Manual permits experience in installation of street lights, street solar lights, or solar plants to be treated as similar. However, Clause 6.6.1 expressly clarifies that Annexure-23 is indicative and not exhaustive, and it merely guides the Tender Committee in evaluating credentials. The Manual does not prescribe any reciprocal or universal equivalence across all categories of electrical works. It

does not provide that experience in installation of solar plants must necessarily be treated as similar to installation of solar street lights. Similarity declared for pump installation cannot automatically be extended to solar street light installation. In the absence of any mandatory prescription, the Tender Committee was within its jurisdiction to confine eligibility to experience in installation of solar street lights alone.

A writ court ought not to sit in appeal over the decision of a Tender Committee with respect to the evaluation of bids. Such matters are to be left to the discretion of the Tender Committee. In the present case, the Tender Committee considered only experience relating to the installation of solar street lights as a qualification for participation in the tender. This criterion was applied uniformly to all bidders, and not only to the petitioners. There is no apparent arbitrariness in the said decision, and, in the considered view of this Court, the decision does not violate the West Bengal Gram Panchayat Procurement Manual.

In view of the foregoing discussion, **WPA 1584 of 2026** is **dismissed**. No order is required to be passed in CAN 1 of 2026. Accordingly, **CAN 1 of 2026** is also **disposed of**.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)