

10.02.2026
Court No.25
D/L No.20
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 2497 of 2026

**Radha Bimala Enterprise
Versus
The State of West Bengal & Ors.**

Mr. Partha Pratim Roy
Mr. Sayantan Hazra

...for the Petitioner

Mr. Kishore Datta, Ld. AG
Mr. Swapan Banerjee
Ms. Sumita Shaw

...for the State

Mr. Mahendra Prasad Gupta
Mr. Abhishek Sikdar

...for the Respondent Nos.4-6

Mr. Aniruddha Mitra

...for the Respondent Nos.7-9

1. The petitioner has filed the present writ application challenging the rejection of the technical bid of the petitioner on the ground that criteria not fulfilled.
2. The West Bengal Small Industries Development Corporation Limited has published a tender for supply of looms, machines, wooden furniture and accessories. The petitioner has participated in the said tender but by the impugned communication dated 29th January, 2026 the technical bid of the petitioner has been disqualified. The petitioner submits that as per the tender condition, the intending bidder should have credentials for completion of wooden furniture or looms

machines and accessories work of the minimum value of 35% of the estimated amount put to tender through single order in a financial year for last any three financial years starting from financial year 2022-2023. The petitioner has relied upon the document issued by the Assistant Director of Handloom & Sericulture, Department of Industries, Bihar, Patna dated 18th December, 2025 wherein it is mentioned that the petitioner's company has been one of the empanelled supplier for the supply of different kinds of handloom (60", 66", 72", 96"), iron loom and accessories under the tender notice No. HKSS/YO/HSS/E-TENDER/30/2021 dated 23rd march, 2022 invited by the Director of Handloom & Sericulture, Bihar through e-tendering mode on e-proc2, Bihar Portal having work order of amount of Rs. 4,02,03,550/-. By referring the said document, the petitioner submits that the petitioner has the completion certificate of one work which is more than 35% of the estimated amount put in the tender but without considering the said document, the respondent authorities have disqualified the technical bid of the petitioner.

3. Learned counsel for the petitioner by corroborating the afore-mentioned document has relied upon the tender notice dated 23rd March, 2022 appearing in page 166 of the present writ application and submits that the said certificate is connecting with tender notice dated

23rd March, 2022 and is a single work for the financial year 2022-2023 which is more than 35% of the estimated amount of the present tender.

4. *Per contra*, the learned counsel for the respondent authorities have relied upon the terms and conditions of the tender document and submits that as per the terms and conditions of the tender document, the intending bidder should be completed looms, machines, wooden furniture and accessories of the necessary works of the minimum value of 35% of the estimated amount put to the tender through single year in a financial year. He submits that the document which the petitioner has relied upon is not the work under the single work document. He relied upon the documents appearing at page Nos. 172 to 186 of the writ petition and submits that the petitioner has completed the work in different work orders. The petitioner has not completed the work in a single work order. He further submits that as per the tender notice which the petitioner has relied upon wherein the petitioner submits that the petitioner has completed the single work is issued on 23rd March, 2022, the financial year cannot be taken as 2022-2023, it should be the financial year 2021-2022. Thus, the said certificate cannot be taken into consideration.
5. Learned counsel for the respondents further submits that after rejection of the tender of the petitioner, the

petitioner has made a representation which is appearing at page 290-292 and submits that he has also marked the said representation to the Managing Director but the said representation has been sent by the petitioner by email to the Managing Director with the email address wbsideltd@gmail.com.

6. Learned counsel for the respondent has relied upon clause 33 of the terms and conditions of the tender document and submits that if there is any objection regarding qualification of any bidder the same should be lodged online to Managing Director, the WBSIDCL at marketing@wbsidcl.in within 48 hours but the petitioner has not sent the said representation to the said email address. He further relied upon clause 35 of the terms and conditions and submits that if the Managing Director receives any objection and the dispute is not resolved, the dispute would be referred to the arbitrator for final decision. Learned counsel for the respondents submits that the writ petition is liable to be dismissed.
7. Heard the learned counsel for the respective parties and perused the materials on record. This Court finds that the petitioner has relied upon the certificate issued by the Assistant Director of Handloom & Sericulture, Bihar wherein it has been certified that the petitioner has completed the work for an amount of Rs. 4,02,03,550/- which is much more than 35% of the

estimated amount put in the present tender but the documents which are appearing in support of the said certificate from page 172 to 179 shows that the said work has been completed by the petitioner in different work orders and not in a single work order. As per clause (ix) of the terms and conditions of the tender document the intending bidders should have completed the minimum value of 35% of the estimated amount put to the tender through a single order. Thus, this Court finds that the completion certificate which the petitioner has relied upon is not with respect of the single order.

8. As regard the question raised by the respondents with regard to the financial year, this Court finds that the tender notice on the basis of which the completion certificate is issued, the work is to be executed from the month of April, 2022 onwards and it cannot be said that the financial year should be taken into consideration of 2021-2022. This Court finds that the petitioner is not made the representation to the Managing Director in the proper way in terms of the terms and conditions of the tender document.
9. Considering the above, this Court does not find any merit in the present writ application.
10. WPA 2497 of 2026 is dismissed.
11. There will be, however, no order as to costs.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
13. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)