

S/L 2
30.03.2026
Court. No. 25
Sourav

WPA 4998 of 2026

**M/s. N. R. Enterprise & Anr.
Vs.
State of West Bengal & Ors.**

*Mr. Debabrata Ray
Ms. Sarbani Mukhopadhyay*

...for the petitioners.

*Mr. Amal Sen, Ld. AAG
Ms. Munmun Ganguly
Ms. Ashima Das (Sil)*

...for the State.

Mr. Sujit Sankar Koley

...for W.B.S.E.D.C.L.

*Mr. Chunky Agarwal
Mr. Akshay Kumar Jain Sukhani
Ms. Simran Sureka
Mr. Ajay Singhania*

...for the respondent no. 8.

1. The petitioners have filed the present writ application challenging the tender process in respect of e-tender notice issued by the respondents on January 16, 2026. As per the tender notice, the technical bid opening date (online) is February 2, 2026 upto 11.00 hours. As per Clause 6 of the Eligibility Criteria, WBSEDCL's enlisted agencies who have work experience and expertise on a similar kind of work through a turnkey mode and who is technically and commercially qualified and have successfully completed for under mentioned work as per specified terms, conditions and specifications.
2. The petitioners have brought to the notice of this Court to the communication dated February 11, 2026 wherein it is mentioned that four bidders submitted the documents through online and after verification, some shortfall

documents were found in respect of the four bidders. The TEC members decided to seek some shortfall documents from all the four bidders through online. In response four numbers of bidders namely, Jayshree Sales Agency, Tarun Enterprise, Maa Manasa Vyapaar and M/s. N. R. Enterprise have submitted the shortfall documents.

3. It is the specific case of the petitioners that the private respondent namely, Jayshree Sales Agency, the respondent no. 8 has not submitted the enlistment certificate but the respondents have allowed the private respondent to participate in the said tender and on the other hand the tender of the petitioners was rejected only on the issue that a show-cause notice has been issued to the petitioners.
4. Learned counsel for the petitioners submits that the tender notice was issued on January 16, 2026 and the petitioners being the eligible bidders had participated in the said tender but only on February 11, 2026 a show-cause notice was issued and the authorities have taken the consideration of the said show-cause notice and the rejected the request of the petitioners. On the other hand, the private respondent was not having the enlistment certificate on the date of acceptance of the tender, the respondent authorities accepted the tender of the private respondent.
5. This Court by an order dated March 20, 2026 directed the authorities to file an affidavit on the following points, namely, i) When the technical bid was open? ii) When the financial bid was open? iii) When the private respondent

has filed the enlistment certificate? and iv) Whether there is any condition in the tender document, if any, show-cause notice issued to the petitioners with regard to any work the tender cannot be accepted.

6. The authorities have submitted the report in terms of the order dated March 20, 2026 wherein it is mentioned that the technical bid was opened on February 2, 2026 and technical evaluation was finalized and submitted on February 11, 2026. It is also mentioned that the financial bid was scheduled to be opened on February 12, 2026 and the financial evaluation was finalized on February 12, 2026. The respondents in their reply have submitted that Jayshree Sales Agency submitted the application for renewal of his enlistment on December 8, 2025 which is pending in the department of the answering respondent due to the departmental work. But the authorities have considered the tender document submitted by the private respondent without the enlistment certificate.
7. Learned counsel for the private respondent has handed over the enlistment certificate wherein it reveals that the certificate was issued to the private respondent after opening and finalization of the bid and in the said enlistment certificate, it is mentioned that the enlistment will be considered from March 27, 2026 and remain valid upto March 27, 2031. From the enlistment certificate of the private respondents, it transpires that on the date of submissions of the tender document and on the date of acceptance of the tender of the private respondent, the private respondent was not having the enlistment

certificate. It is also found from the report that the authorities have admitted that there is no such clause that if any show-cause notice is issued to the bidder in connection with any work, the tender document of the bidder cannot be considered.

8. In the present case, the authorities have acted arbitrarily and *mala fide* by rejecting the tender document of the petitioners on the basis of the show-cause notice issued to the petitioners on February 11, 2026 which is not the condition in the tender document and secondly, the private respondent was not having the enlistment certificate as on the date of submitting the tender document and at the time of accepting the tender by the authority.
9. Considering the above, this Court finds that the authorities have acted *mala fide* and arbitrarily and violated the terms and conditions of the tender by accepting the tender document of the private respondent. Accordingly, the work order issued to the private respondent is set aside and quashed. The respondent authorities are directed to consider the tender document submitted by the petitioners and to take appropriate decision for awarding work order in accordance with law from the Stage of opening of technical bid.
10. **WPA 4998 of 2026** is disposed of.
11. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)