

09.04.2026
SL No.5
Court No.12
(gc)

**MAT 598 of 2026
CAN 1 of 2026**

**Sabir Ali
Vs.
The State of West Bengal & Ors.**

Mr. Amal Kumar Banerjee

...for the Appellant.

1. The appellant is aggrieved by an order dated February 5, 2026 passed in WPA 1903 of 2026. By the order impugned, the learned Judge allowed the interim prayer of the appellant, thereby permitting him to deposit earnest money of 2% of the base value instead of 10% of the base value as per the tender document, relying upon a Memorandum issued by the Government of West Bengal, Finance Department, Audit Branch dated October 1, 2019.
2. We are unable to understand how the appellant can be aggrieved by the order, inasmuch as, His Lordship allowed the appellant's participation, subject to the final result of the writ petition. The contention of the learned Advocate for the appellant is that there were other grounds of challenge in the writ petition, which had not been decided.
3. We find that the writ petition is pending final adjudication. Moreover, it has been informed to us

that the appellant has not taken advantage of the order passed in his favour and has not participated in the tender process. The order under challenge does not call for any interference.

4. Under such circumstances, the appeal and the connected application are dismissed.
5. There shall be no order as to costs.
6. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)