

23.06.2026
Item No. 140/141.
Court No.8.
AB

**MAT 629 of 2026
With
CAN 1 of 2026**

**South Bengal State Transport
Corporation & Others
Vs
Haydar Nawaz & Anr.**

With

**MAT 631 of 2026
With
CAN 1 of 2026**

**South Bengal State Transport
Corporation & Others
Vs
Sujan Dutta & Anr.**

Mr. Ayan Banerjee,
Ms. Debasree Dhamalifor the Appellants.

Md. T. M. Siddiqui, sr. adv,
Mr. Suman Banerjee,
Ms. Shreejita Sen,
Ms. A. Rahamanfor the Respondent No.1.

Mr. Amit Chakraborty,
Mrs. Soma Chakraborty,
Mr. Falguni Bandopadhyay,
Mrs. Sarda Shafor the State.

Dictated by Arijit Banerjee, J.

1. These two appeals are directed against two orders dated February 27, 2026, passed by a learned Judge of this Court, in WPA 4972 of 2026 and WPA 4979 of 2026. The orders are interim in nature in the sense that the writ petitions are still pending before the learned Single Judge.

2. It appears that the writ petitioners who are similarly situate, approached the learned Single Judge challenging two tenders floated by the appellant /corporation. Two grounds were urged on behalf of the writ petitioners. Firstly, moneys were due to them from the Corporation in connection with previous tender processes which culminated in contracts and work orders being passed in favour of the writ petitioners. The other ground was that the rates quoted in the tenders were too high.
3. The learned Judge, by the orders impugned, held that the writ petitioners have not been able to demonstrate any illegality or malice in the tender processes. The tender processes should not be stopped. However, the learned Judge directed the Corporation to file a report indicating the amount which has fallen due from the Corporation to the writ petitioners for a certain period of time. The learned Judge further directed that “in the meantime, the respondent authorities shall continue with the tender process but shall not give any effect to it until the writ petition attains finality”.
4. Being aggrieved, the Corporation has come up by way of these two appeals.

5. Mr. Banerjee, learned Counsel appearing for the appellant, says that the tender processes are otherwise complete but no effect can be given to the tenders in view of the interim orders of the learned Single Judge passed on the two writ petitions. Once the learned Single Judge held that the tender processes should not be interdicted, the learned Judge should not have put a restraint on the Corporation directing that no final effect can be given to the tender processes till the disposal of the writ petitions.
6. Mr. Siddiqui, learned Counsel appearing for the respondents/writ petitioners, in his usual fairness, leaves this aspect of the matter to the discretion of the Court.
7. Having considered the facts and circumstances of the case and also noting that the learned Single Judge has opined that there is no reason to interfere with the tender processes, in our view, any restraint on the Corporation as regards the tender processes was not called for. We set aside the orders impugned to the extent they restrain the Corporation from giving effect to the tender processes. The Corporation will be at liberty to carry the tender processes to their logical conclusions in accordance with law.

8. As regards the balance portion of the orders impugned, we do not interfere. The Corporation shall file the reports that have been called for by the learned Single Judge, within four weeks from date, with advance copies to learned advocate on record for the writ petitioners.
9. We request learned Single Judge to decide the issue of payment of the alleged monetary dues of the writ petitioners by the Corporation in accordance with law. All points are left open including the point of maintainability of the writ petitions which the Corporation will be entitled to urge before the learned Single Judge. Till the learned Single Judge decides the writ petitions finally, no payment need be made by the Corporation to the writ petitioners.
10. We have not expressed any opinion on any other point and the learned Judge is requested to decide all points independently and without being influenced by anything in this order.
11. The appeals and the connected applications are disposed of.
12. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

