

S/L 38
16.04.2026
Court. No. 25
Suwayan

WPA 8992 of 2026

J.D.M. Enterprise
Vs.
The State of West Bengal & Ors.

Mr. Kamlesh Jha
Mr. Biswajit Tiwari
Md. Raihan Islam

...for the petitioner.

Mr. Srikanta Datta
Mr. Prodyot Kumar Ray

...for the respondent no. 5.

1. The petitioner has filed the present writ application challenging the decision taken by the Tender Evaluation Committee wherein the complaint made by the petitioner against the private respondent with regard to the description of the name of the private respondent was rejected and the appellate authority that is the Secretary, Irrigation and Waterways Department upheld the order of rejection and dismissed the appeal of the petitioner. The petitioner and the private respondent have participated in the tender process with respect of the work "Bank protection work to the right Fulahar at village-Rashidpur for a length of 1200 m. in Block-Harishchandrapur-II, P.S.- Harishchandrapur, District-Malda (2nd Call)".
2. Learned counsel appearing for the petitioner submits that after participation of the tender, the petitioner came to know that in some of the documents the name of the private respondent is recorded as "Martuja Saikh" and some of the documents the name of the private

respondent is recorded as “Martuja Sk.”. When the petitioner came to know about the said discrepancy in the name of the private respondent, the petitioner has made complaint to the Tender Evaluation Committee and the Tender Evaluation Committee by an order dated April 1, 2026 rejected the complaint made by the petitioner and accepted the tender document of the private respondent. Being aggrieved with the said order, the petitioner has preferred an appeal before the Secretary, Irrigation and Waterways Department but the appellate authority has also rejected the appeal preferred by the petitioner.

3. Learned counsel for the petitioner submits that in GSTIN the name of the proprietor is recorded as “Martuja Saikh” but in the PAN Card the name of the private respondent is recorded as “Martuja Sk.”, the registration of the firm of the private respondents as proprietorship is recorded as “Martuja Sk.” but in the PTPC the name of the private respondent is recorded as “Martuja Sk.”. In the turnover acknowledgement and Form 3CD the name of the proprietor is recorded as “Martuja Saikh” and the balance sheet the name of the proprietor is recorded as “Martuja Sk.”. He submits that generally if the authorities found that there are discrepancies in the proprietorship of the firm who are participated in the tender process, the Tender Evaluation Committee disallowing the firm to participate in the said tender but in the present case in spite of having knowledge and objection raised by the petitioner, the Technical

Evaluation Committee ignored the objection filed by the petitioner and allowed the private respondent to participate in the said tender.

4. The petitioner has raised further contention that as per procedure all documents relating to tender is to be submitted through online but the affidavit which the private respondent has relied upon is submitted through physically and the respondents how accepted the same.
5. *Per contra*, learned advocate appearing for the private respondents submits that the Martuja Saikh and Martuja Sk. is one and the same person and in some documents the name of the private respondent is recorded as “Martuja Saikh” and some of the document the name of the private respondent is recorded as Martuja Sk. When the petitioner has raised the objection, the private respondent has also affirmed an affidavit before the Notary Public stating that the name “Martuja Saikh” and “Martuja Sk.” is the name of one and the same person. He submits that the authorities have considered the documents submitted by the private respondent and accordingly, the respondents/authorities have rightly rejected the objection raised by the petitioner.
6. Heard the learned counsel for the respective parties perused the materials on record and the affidavit submitted by the private respondent before the authority at the time of hearing of the objection raised by the petitioner with regard to the discrepancies in the name of the private respondent.

7. This Court finds that the objection raised by the petitioner before the authorities that in some documents the name of the private respondent is recorded as “Martuja Saikh” and some of the documents the name of the private respondent is “Martuja Sk.”. At the time of hearing, the private respondent submitted an affidavit stating that Martuja Saikh and Martuja Sk. is one and the same person and the said affidavit has been accepted by the authorities.
8. As regard to the submission of document through online mode, this Court finds that only when the petitioner has raised objection with regard to the name of the private respondent, the authorities have conducted enquiry and during enquiry, the private respondent has submitted the affidavit which is not the document required under the tender notice.
9. This Court finds that document is not related to the tender notice. The private respondent has placed the said document when the petitioner has raised the objection and the hearing was conducted by the authority and thus the objection raised by the petitioner the said document is not submitted by the private respondent through online cannot stand.
10. Once the tendering authorities have satisfied that Martuja Saikh and Martuja Sk. are one of the same person and thus it would not be proper for this Court to interfere with the decision taken by the respondents/authorities holding that the Martuja Saikh and Martuja Sk. is one and the same person.

11. In view of the above, the writ petition is dismissed.
12. However, there shall be no order as to costs.
13. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)