

27.04.2026
SL No.8
Court No.12
(gc)

**MAT 723 of 2026
CAN 1 of 2026**

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

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

...for the Appellant.

Mr. Srikanta Datta,
Mr. Prodyot Kumar Ray,

.....for the Respondent No.5.

1. Affidavit of service is taken on record.
2. Despite service, none appears on behalf of the State respondents.
3. This appeal arises out of an order dated April 16, 2026, passed in WPA 8992 of 2026. By the order impugned, the learned Court dismissed the writ petition, *inter alia*, holding that once the tendering authorities were satisfied that “Martuja Saikh” and “Martuja Sk.” were one and the same person, it would not be proper for the writ court to interfere with the decision taken by the authorities, by holding that the persons were not the same.
4. The appellant raised a complaint before the tendering authorities with regard to the identity of the respondent no.5. The appellant and the respondent no.5 were successful in the technical

round. The appellant raised objection to the selection of the respondent No. 5 in the technical round. The official documents of identity had a discrepancy with regard to the name of the respondent No. 5. The tendering authority heard the objection of the appellant and rejected it. The appellant approached the higher authority by way of an appeal which was also disposed of upon obtaining an affidavit from the respondent no.5 to the effect that “Martuja Saikh” and “Martuja Sk.” were one and the same person.

5. Mr. Jha submits that the affidavit was submitted physically and not online. The tendering process required all tender documents/bid documents to be submitted online.
6. The above contention is not accepted by us on the ground that, the affidavit was called for, while disposing of the objection of the appellant and it was not a bid document. It was an additional document, which the tendering authorities required the respondent no.5 to submit. This document was in the nature of a sworn affidavit, affirmed by the respondent no.5 stating on oath that “Martuja Saikh” and “Martuja Sk.” were one and the same person.

7. Moreover, the appellant has also not been able to demonstrate before us that the respondent no.5 is not the person whose documents were uploaded in the bidding process and that, “Martuja Saikh” and “Martuja Sk.” were two different persons. The tendering authorities are the best judge of the credential and identity of the bidders. They were satisfied with the documents of identity uploaded by the respondent no.5. Only because “Saikh” was spelt as “Sk” in some places, that did not give rise to any suspicion in the mind of the tendering authorities that the respondent no.5 had uploaded false or incorrect documents of identity to take undue advantage in the tender process.
8. Under such circumstances, the learned writ court rightly dismissed the writ petition. The writ court could not have made a roving enquiry with regard to the identity of the respondent No. 5. The discrepancy was minor and did not disqualify the respondent No. 5, in the eyes of the tendering authorities.
9. We do not find any reason to interfere with the order impugned.
10. Accordingly, the appeal and the connected application are dismissed.
11. There shall be no order as to costs.

12. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)