

S/L 03
02.04.2026
Court No.04
B.K.N

F.M.A. 948 of 2025
With
CAN 1 of 2025
CAN 2 of 2025
Nirupam Chandra Das
Vs.
State of West Bengal & Ors.

Mr. Anindya Pradhan,
Mr. Zubain Ahmed,
Mr. Shawndeeep Chakraborty,
Mr. Rohit Dayashi

...for the Appellant.

Mr. Vimal Kumar Shahi, Ld. AGP,
Ms. Susmita Chatterjee

...for the State Respondents.

In Re: CAN 2 of 2025

1. The application for condonation of three days delay in filing the appeal is allowed without any serious objection.

In Re: F.M.A. 948 of 2025

1. Heard the learned advocate for the appellant and the respondent State.
2. The petitioner and the private respondent no. 8 submitted their bid in response to a notice inviting tender which is dated 14.08.2024, for supply of Security Guard and Sweeping Personnel etc. to one Suryadaya Children Home for Deaf and Dumb Boys and Girls, Karnajora, Raiganj, Uttar Dinajpur.
3. It is the case of the writ petitioner that alongwith respondent no. 8 he was placed as L1 as both submitted the same bid. As per the procedure contemplated to resolve such a situation, they were called for a table bid, wherein the respondent no. 8 emerged successful and the

work was awarded to him. When the work was awarded to him, he realized that the respondent no. 8 submitted a bid less than the petitioner. the petitioner had agreed to do the work on zero bid meaning 'no profit no loss' whereas the private respondent agreed to discharge the work 4.75 per cent less than the zero bid. It is under such circumstance that the writ petition was filed.

4. It is asserted that the work under the NIT requires supply of manpower which entails payment of minimum wages and other statutory financial obligations. The bid submitted by private respondent no. 8 leaves no room for any scope to earn any profit whatsoever. Therefore, the bid was contrary to the terms of the notice inviting tender.
5. Another submission advanced is that the respondent no. 8 has relied upon a labour license which lapsed long before the NIT was issued. He relied upon a copy of the petitioner's labour license alleged to have been downloaded from the website which is dated 28.03.2018, to remain in force till 27.03.2019.
6. Another issue was raised that the petitioner has a security license in the name of Prince Security whereas the bid was submitted in the name of Prime Security.
7. The learned Single Judge dismissed the writ petition taking into consideration the fact that the State respondent had accepted additional performance security and also the security money deposited by the private respondent in January, 2025. The formal

contract was also executed between the parties. Therefore, there was no scope for interfering with the award of contract.

8. We have considered the submission advanced on behalf of the writ petitioner.
9. The learned State counsel has submitted that the petitioner has made false and misleading submissions only after accepting the documents as per NIT. The contract was entered into and a substantial amount of performance guarantee was also deposited. The allegations are, therefore, unfounded.
10. We have considered the rival submissions.
11. Insofar as the submission regarding the bid leaving no scope for any profit to be earned, we find the submission to be misconceived and untenable. It does not lie in the mouth of the petitioner to make such a submission when he himself submitted a bid which allowed no scope for profit whatsoever. Whether the bidder earns a profit or not is not the issue to be looked into by the tenderer. As long as the selected bidder continues to perform the work in terms of the contract, and to the satisfaction of the employer; whether he does so while earning a profit is not the look out of the tenderer. The same surely cannot be made an issue by another bidder who also was in the fray for discharging the work also without earning any profit whatsoever.
12. Insofar as the submission regarding the labour license being old, we reject such submission for the simple

reason that there is no requirement of labour license in the NIT dated 14.08.2014. The issue raised, therefore, is on non est reasons. As far as the security license is concerned, a bare reading of the same reveals that the security license was granted to the proprietor of the proprietorship firm namely Sri Chandan Mandal. Since the license is in the name of the individual. We do not find any infirmity in the license being used while submitting bid by the individual in the name of any of his proprietorship firm.

13. We find no reason to interfere with the order passed by the learned Single Judge.
14. The appeal is dismissed. Pending application is also dismissed.
15. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)