

02.01.2026
Item No. 01
Court No.08.
S. De
266045

**FMA 960 of 2025
With
I.A. No. CAN 1 of 2025**

Bidyut Das.

...Appellant.

Vs.

State of West Bengal & Ors.

...Respondents.

Mr. Vimal Kumar Shahi, Ld. AGP,
Mr. Bijoy Kumar Show,
Mr. Arun Kumar Show,
Ms. Susmita Chatterjee,
...for the appellant.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Debolina Ghosh,
Ms. Riya Ghosh, ...for the SBSTC.

Dictated by Arijit Banerjee, J.

1. Being aggrieved by non-issuance of “credential certificate” in his favour, the appellant herein had approached the learned Single Judge complaining that the respondent Corporation unlawfully withheld such certificate, as a result whereof, the appellant could not participate in the subject tender floated by the Corporation. The writ petition was disposed of by the learned Single Judge without granting any effective relief to the appellant. Hence, this appeal.
2. On June 3, 2025, a co-ordinate Bench passed an order, the relevant portion whereof reads as follows :

“Learned advocate appearing for the respondent Corporation has vehemently submitted that the issues relating to issuance of “credential certificate” to the appellant and his disqualification in the subsequent tender process initiated vide notice dated February 11, 2025 are distinct and separate and it cannot be considered and entertained together. He has submitted that due to certain serious laches on the part of the appellant himself, in executing the work under contract, he cannot be issued “credential certificate”.

However, there is no material before us to find that the respondent Corporation has in due time decided or even informed the appellant about the difficulties they urged regarding issuance of “credential certificate” to the appellant.

The appellant works under a valid contract and his tenure is effective, till June 3, 2025. The appellant has been unsuccessful in technical bid due to non-production of “credential certificate”. His application for issuance of the same also remains pending, without consideration.

In such circumstances and keeping in consideration of the fact that the appellant’s work contract is extended up to June 30, 2025, the respondent corporation is directed to immediately take up the appellant’s representations dated December 21, 2024 as well as May 12, 2025 for consideration and dispose of within a period of seven days from the date of communication of copy of this order.

Needless is to mention that the appellant shall extend all possible cooperation in conducting the hearing of this matter.

The respondent is directed to afford opportunity of hearing to the appellant and decide upon the representations of the appellant as above by dint of a reasoned order.

Let the exercise as above be concluded by the respondent Corporation within a period of seven days from the date of communication of copy of this order.

It is further directed that till the decision is made by the respondent Corporation as directed above, no work order shall be issued by the respondent Corporation, in connection with the tender process, initiated vide notice dated February 11, 2025.”

3. Appearing for the Corporation, Mr. Ayan Banerjee, learned counsel filed an order dated June 13, 2025, passed by the competent authority being the Managing Director of the Corporation whereby the representation of the appellant has been rejected. It has been held that “credential certificate” cannot be issued to the appellant. A copy of that order has been kept on record.
4. In view of the aforesaid, in our opinion, this appeal has become infructuous. If the appellant is aggrieved by the order dated June 13, 2025, it will be open to him to challenge that order

before the appropriate forum, in accordance with law.

5. Learned advocate for the appellant says that although the order of the Managing Director of the Corporation purports to be dated June 13, 2025, hearing was given to the appellant much after that date. We leave all points open including this point for the appellant to urge before the appropriate forum.
6. The appeal being FMA 960 of 2025 is disposed of along with the application being I.A. No. CAN 1 of 2025.
7. Interim order, if any, stands vacated.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)