S/L 8
13.11.2026
Court. No. 25
Sourav

WPA 30096 of 2026

Krishna Vanijya Private Limited & Anr.
Vs.
State of West Bengal & Ors.

Mr. Ronak Banerjee
Ms. Antalina Guha
Ms. Shinjita Ray
Ms. Trishita Ghosh

... for the petitioners.

Mr. Argha Chatterjee

... for the State.

Mr. Mainak Bose, Sr. Adv.
Mr. Gaurav Khaitan

... for the respondent nos. 2 and 3.

Mr. Shashwat Nayak
Mr. K. N. Jana

... for the respondent no. 4.

1. The petitioners have filed the present writ application challenging the e-tender notice dated August 18, 2026 on the ground that the private respondent nos. 4 and 5 are having the conflict interest but in violation of the terms and conditions of the Clause 16 of the tender documents, the respondent authorities have allowed the private respondents to participate in the said tender.

2. It is the further case of the petitioners that the respondent no. 6 is not having the requisite financial capacity but the authorities have allowed the respondent no. 6 to participate in the said tender and declared 'qualified' in the technical bid.

3. Learned counsel for the petitioners submits that initially the authorities have issued the e-tender notice on June 24, 2026 for rate contract of 170/180/190 GSM, One Side Coated White Folding Box Board manufactured from Virgin Pulp (ITC) Pearl XL or Cyber XL or century

optifold or prima fold or equivalent quality board and 130/150 GSM Gloss Art Paper in Sheets, Size-71 cm x 102 cm, 56 cm x 86 cm and 51 cm x 81 cm in Sheet, approx quantity 2000 Mt.

4. The petitioners submit that the petitioners have participated in the said tender but subsequently, the authorities have cancelled the said tender and issued a second tender notice on August 18, 2026. The petitioners have relied upon the Tender Summary Report dated September 15, 2026 wherein the private respondents were declared technically qualified. The petitioners have relied upon the master data of respondent no. 4, namely, Sudarshan Paper & Boards Private Limited and submits that as per the master data of the respondent no. 4, one Navneet Bajaj is the director as well as promoter of the said firm with Surabhi Bajaj as director of the said firm.

5. Learned counsel for the petitioners relied upon the master data of Terapanth Marketing Private Limited wherein Surabhi Bajaj and Navneet Bajaj are the directors and promoters of the said firm. By relying upon the said document, the petitioners submit that Surabhi Bajaj and Navneet Bajaj are the directors of both the firm but the respondent authorities in violation of Clause 16 of the tender condition has allowed the said respondent nos. 4 and 5 to participate in the said tender.

6. Learned counsel for the petitioners further submits that the second tender was issued on August 18, 2026 and subsequently, the respondent authorities have issued an addendum/corrigendum subsequent to the pre-bid meeting dated August 21, 2026 by reducing the

minimum average annual turnover of Rs. 150 crores for the two financial years i.e., 2023-24 and 2024-25 to Rs. 30 crore for the said two financial years.

7. Learned counsel for the petitioners submits that from the act of the respondent authorities categorically reveals the authorities are in connivance with the private respondents and allowed the private respondents to participate in the said tender in violation of the Clause 16 of the General Condition of Supply and to give benefit to the respondent no. 6 has reduced the minimum annual turnover from Rs. 150 crore to Rs. 30 crore.

8. Learned counsel for the petitioners has relied upon the judgment in the case of ***M. S. Jayaraj Vs. Commissioner of Excise, Kerala and Others.***, reported in ***(2000) 7 SCC 552*** and submits that even the petitioners have not participated in the second tender process but the petitioners have the right to challenge the second tender process as the petitioners have participated in the first tender process but the same was cancelled and the same tender was issued by the respondent authorities on August 18, 2026.

9. The petitioners have further relied upon the judgment in the case of ***National High Speed Rail Corporation Limited Vs. Montecarlo Limited and Another,*** reported in ***(2022) 6 SCC 401*** and submits that even the petitioners have not participated in the said tender, has the *locus* to challenge the second tender notice.

10. Per contra, Mr. Bose, learned Senior Advocate appearing for the respondent nos. 2 and 3 raised the point of

maintainability of the present writ application and challenged the locus of the petitioners.

11. Mr. Bose submits that though the petitioners have argued that the petitioners have participated in the first tender process but the petitioners have not filed any document to say that the petitioners have participated in the first tender process. He submits that the first tender process was cancelled but the petitioners have not challenged the cancellation of the first tender process. Mr. Bose submits that subsequent to the cancellation of the first tender process, the authorities have issued the second tender process on August 18, 2026 and in the second tender process, the time schedule with regard to the said tender was issued and as per the time schedule, the date and time of opening of the technical bids through online was fixed on September 9, 2026 upto 16.00 hours.

12. He submits that the petitioners have neither participated in the said tender process nor have challenged the said tender either by way of representation prior to September 9, 2026 or by filing a writ petition before this Court. He further submits that after opening of the technical bid, the respondent authorities have processed with the tender process and on October 5, 2026, purchased orders have been issued to the respondent nos. 4 and 6 and the respondent nos. 4 and 6 have started supplying the materials to the respondent authorities.

13. The work order was issued on October 5, 2026 but the petitioners have filed the present writ application only on

October 8, 2026. He submits that once the work order has been issued and the respondent nos. 4 and 6 and have started supplying the materials and as such, at this stage no order can be passed for staying the operation of the tender process or setting aside the tender process.

14. Mr. Bose relied upon the judgment in the case of ***Pathak Engineering Corporation and Another Vs. State of West Bengal and Others***, reported in ***(2023) 2 High Court Cases (Cal) 55*** and submits that the Hon'ble Division Bench of this Court relying upon the judgment passed in the case of ***National Highway Authorities of India Vs. Gwalior-Jhansi Expressway Ltd.*** and ***A.M. Yusuf Vs. Municipal Corporation, Mumbai*** has held that the petitioners have not participated in the tender process and as such, the petitioners are not entitled to challenge the tender process.

15. Learned counsel appearing for the respondent no. 4 submits that the respondent no. 4 being eligible for participating in the tender process had participated in terms of the tender notice dated August 18, 2026 and the authorities have found that the respondent no. 4 is qualified bidder and accordingly, the bid submitted by the respondent no. 4 was accepted and the work order has been issued to the respondent no. 4 and the respondent no. 4 has started supplying materials to the respondent authorities.

16. Heard the learned counsel for the respective parties. Perused the materials on record.

17. Though the petitioners have disclosed the first tender notice dated June 24, 2026 but the petitioners have not disclosed any document that the petitioners have participated in the first tender process. Thus, this Court failed to decide whether the petitioners have participated in the first tender process with regard to the tender notice dated June 24, 2026. The petitioners have admitted that the first tender notice was cancelled but the petitioners have not challenged the cancellation of the first tender notice by the authorities. Subsequently, the second tender notice was issued on August 18, 2026 and admittedly, the petitioners have not participated in the second tender process dated August 18, 2026.

18. As per the second tender notice, the information and the time schedule are as follows:

Sl.	**Particulars**	**Date & Time**
i.	Publication of e-NIT (Bidding Documents)	18-08-2026
ii.	Pre – Bid Meeting: (Online through e-mail communication)	21-08-2026 at 14.00 hrs.
iii.	Start date and time of uploading bids	31-08-2026 from 10.00 hrs.
iv.	Last date and time of uploading bids	08-09-2026 up to 14.00 hrs.
v.	Last date and time of submission of Paper Sample at the office of WBTBCL i.e. 11, B T Road, Kolkata – 700056	08-09-2026 up to 16.00 hrs.
vi.	Date and time of Opening Technical Bids online	09-09-2026 up to 16.00 hrs.
vii.	Technical Bid Evaluation	To be informed later
viii.	Uploading list of responsive/non-responsive bidders	To be informed later
ix.	Financial Bid Opening and evaluation	To be informed later
x.	Award of Contract	To be informed later

19. The date and time of opening of the technical bid online was September 9, 2026. If the petitioners were aggrieved with the second tender notice or aggrieved with the

cancellation of the first tender notice, the petitioners ought to have challenged the same but the petitioners have failed to do so. The petitioners have disclosed the tender summary report dated September 15, 2026 wherein the authorities have qualified the respondent nos. 4, 5 and 6 in the technical bid which reveals that the petitioners had the knowledge that on September 15, 2026 the private respondents have been qualified by the respondent authorities in the second tender process but the petitioners have not chose to challenge the technical bid process wherein the private respondents have been declared 'qualified'.

20. The petitioners draw the attention of this Court to the addendum dated August 21, 2026 wherein the annual turnover of Rs. 150 crore was reduced to Rs. 30 crore and the same was within the knowledge of the petitioners on September 15, 2026 but the petitioners have not taken any steps for challenging that addendum also. The petitioners have relied upon the master data of respondent nos. 4 and 6. From the master data, it reveals that two of the directors namely, Navneet Bajaj and Surabhi Bajaj are the common directors of both the firms.

21. Clause 16 of the GCS reads as follows:

"**Conflict of Interest, Collusion & Cartelisation- not eligible to Bid in Tender**

1) Any bidder having a conflict of interest, which affects fair competition, shall not be eligible to Bid in the Tender. A bidder shall be considered to have a conflict of interest if the bidder directly or indirectly controls, is controlled by or is under common control with another bidder. Any violation if detected at any later

stage will attract penal and punitive measures; including suspension/banning of such bidders for a specific period. A bidder may be considered to have a conflict of interest with one or more parties in the bidding process, if:

a) They directly or indirectly control, or are controlled by or are under common control of another entity; or
b) They have the same legal representative/agent for purposes of their Bids; or
c) They have relationship with each other, directly or through common third party(ies), that puts them in a position to have access to information about or influence on the bid of another Bidder; or
d) Bidder and/or any of its allied entity(ies), which directly or indirectly control(s) or is (are) controlled by or is (are) under common control of another entity, has(ve) participated as a consultant in the preparation of the design or technical specifications of the contract that is the subject of the Tender; or
e) Bidder participates in more than one Bid in the bidding process.

2) Collusive bidding and cartelisation will not be eligible to Bid in the Tendering; that are indicative from the patterns of bidding viz., bid rotation, bidders with family relationship etc.
3) Cartel formation or quoting of pool rates or quoting in collusion shall not be eligible to Bid."

22. If the petitioners had the knowledge that two of the directors of the respondent nos. 4 and 6 are the same directors of both the firms, the petitioners ought to have given objection to the authorities but till the finalization of the tender by the authorities objection was not submitted before the authorities and the authorities were not having any knowledge with regard to the same. As per Clause 16 of the GCS, it is categorically mentioned

that any violation if detected at any later stage will attract penal and punitive measures including suspension/banning of such bidders for a specific period. It is upto the authorities that if the respondent nos. 4 and 6 having the conflict interest and suppressed the material facts before the authority before getting the purchase order, it is the authority to take appropriate steps but the petitioners have no locus to challenge at this stage though the petitioners have not participated in the said tender nor the petitioners have brought the notice of the respondents with regard to the said allegation.

23. In the case of ***Pathak Engineering Corporation and Another (supra)***, the Hon'ble Division Bench of this Court has held that the person who has not participated in the subject tender process, the person did not have the locus standi or the right in law to assail the tender process. In the present case also admittedly, the petitioners have not participated in the tender process dated August 18, 2026 nor the petitioners have challenged any terms and conditions of the second tender process before finalizing the second tender notice by the respondent authorities.

24. The petitioners have filed the present writ application only on October 8, 2026 when the respondent authorities have already finalized the tender process and purchase order has been issued and the private respondents have started supplying materials to the respondent authorities.

25. Considering the above, this Court does not find any merit in the present writ application.

26. Accordingly, **WPA 30096 of 2026** is dismissed.

27. There shall, however, be no order as to costs.

28. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)