

05.03.2026
Court No. 12
Item No. 02
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 2127 of 2025
IA No : CAN 1 of 2025
M/s. P. P. Elektro Power & Anr.
-Versus-

Bidhannagar Municipal Corporation,
represented through its Chairman &
Ors.

Mrs. Manju Agarwal, Sr. Adv.,
Ms. Anju Manot,
Mrs. Ruchi Hallen,
Ms. Anusua Das

.....for the appellants

Mr. Sirsanya Bandopadhyay,
Mr. Tirthankar Dey,
Mr. Arka Kr. Nag

....for the BMC.

Mr. Arkadyuti Pahari,
Mr. Soumik Laskar,
Ms. Gargi Maity,
Mr. Alik Mandi

....for the added respondent.

- 1) This is an intra-court appeal. We are conscious of the fact that the scope for interference by the appeal Court is very limited. The learned trial Judge had dismissed the writ petition, inter alia, holding that mala fide and arbitrariness on the part of the authority while rejecting the technical bid of the petitioner, could not be demonstrated.
- 2) Mrs. Agarwal, learned senior advocate appearing on behalf of the appellants, draws our attention to various documents which were submitted online by the appellants pursuant to the shortfall notice issue by the authority.

3) The documents submitted by the appellants were not in order. A short fall notice was given. Mrs. Agarwal submits that the deficiencies were rectified and proper documents were uploaded. Attention has also been drawn to the ROHS certificate, the Warranty certificate executed on a non-government stamp paper, both granted by Panasonic and the PWD certificate approving the products of Panasonic.

4) We find from the order impugned that, the learned single Judge accepted the submissions of the respondents with regard to the inadequacy of the documents submitted by the petitioners, without calling for affidavits and without asking the respondents to answer as to why the certificates given by Panasonic and the PWD were not adequate. It is submitted that the documents were uploaded. Mrs. Agarwal also points out to paragraph 7 of the writ petition to draw the attention of this Bench to the pleading that the tender evaluation committee was not properly constituted as per the guidelines and circulars. Those guidelines have been annexed to the application before us. Such submission also carries some weightage as non-compliance of rules and guidelines go to the very root of the decision. There are specific allegations as to the ineligibility of the bidders qualified in the technical bid and of favouritism.

5) Learned advocate for the Corporation submits that the technical bid was properly evaluated and the documents which were uploaded were found to be deficient.

6) Mr. Pahari, learned advocate, appears for the successful bidders. We find that the successful bidders were not impleaded as parties in the writ petition. It is further submitted that the successful bidders have started their work and the works are near completion. He also submits that the scope of interference by the writ Court is very limited. The tender evaluation committee comprises of experts, who are competent to decide on the eligibility of the bidders.

7) In our considered view, as specific allegations have been made with regard to favoritism and illegality in the composition of the tender committee, the matter needs consideration. The appellants also contend to have uploaded the documents as per the NIT after the short fall notice. The respondent/Corporation must also respond to such contentions.

8) Having considered the rival contentions of the parties we are of the view that the writ petition should be heard afresh upon exchange of affidavits. The successful bidders are added as respondents to the writ petition. M/s. Manturam Infrastructure Private Limited, M/s. R. D. Industrial and M/s. S. M. Construction, shall be impleaded as parties to the writ petition. Department shall make the necessary amendment to the cause title in terms of the description of the added parties in the memorandum of appeal.

9) Affidavit-in-opposition by all the respondents to be filed within four weeks from date. Reply thereto, if any, be filed within two weeks thereafter.

10) Although the learned advocates for the respondents submit that the appeal has become infructuous in view of the near completion of the work, we are of the view that, even if the works are completed, but the appellants are successful in the writ petition, the appellants will have a remedy by way of damages/compensation.

11) Accordingly, MAT 2127 of 2025 and the connected application are disposed of.

12) A copy of the writ petition along with all annexures be provided to Mr. Pahari within the course of 10th March, 2026. As the entire tender process was online, all the documents must be available with the authority.

13) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings. The order impugned is set aside.

(Shampa Sarkar, J.)

(Uday Kumar, J.)