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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

(VACATION BENCH)

WPA/31569/2026

ALTABUR RAHAMAN MOLLAH
VS
THE STATE OF WEST BENGAL & ORS.

Mr. Abhratosh Majumdar, Sr. Advocate
Mr. Suddhasatva Banerjee, Advocate
Mr. Sagnik Majumdar, Advocate
Ms. Anyuapurba Banerjee, Advocate
Mr. Anupam Das Adhikari, Advocate
Mr. Aurin Chakraborty, Advocate
.....for the Petitioner

Mr. D.N. Ray, Learned Government Pleader
Mr. Ajit Kumar Mishra, Learned AGP
Mr. Prasanta Agarwal, Advocate
Mr. Sourav Halder, Advocate
.....for the State

Mr. Sounak Bhattacharya, Advocate
Mr. Sounak Mondal, Advocate
.....for the Respondent No. 3

Mr. Surajit Dasgupta, Advocate
Mr. Atindra Rai, Advocate
.....for the Respondent No. 7

1. Affidavit of service, filed by the petitioner in Court today, be kept with the record.
2. The petitioner has challenged a decision dated October 29, 2026 taken by the respondent authority, whereby the private respondent no. 3 was directed to submit certain documents subsequent to the opening of the technical bid thereby allegedly extending an undue advantage to him.
3. It has been submitted by Mr. Majumdar, learned Senior Counsel appearing for the petitioner, that the technical bid is in connection with a tender for Mechanized/Automated Cleaning and Housekeeping including Pest Control with Manual Campus Cleaning and Support Service

at Sports Medicine Department of IPGME&R/ SSKM Hospital.

4. Mr. Majumdar submitted that after the opening of the technical bid on October 7, 2026, the respondents violated the tender terms and conditions by extending an opportunity to the private respondent to furnish additional documents.

5. Mr. Majumdar, in support of his contention, refers to Clause 15.3 of the tender terms and conditions, which reads as follows:

15.3 If any document required to be submitted for e-tender by the bidder in his technical proposal is not submitted or is found to be deficient in any manner at any stage after opening of bid, the id may be summarily rejected.

6. Mr. Majumdar, in support of his contention, further relied upon a judgment reported in ***(2024) 10 SCC 273*** *(Banshidhar Construction Private Limited vs. Bharat Coking Coal Limited & Ors).*

"16. It is also not disputed that the technical bids were opened on 04-12-2023 and the appellant was declared technically disqualified on 06-05-2024. The extract of Tender Summary Report dated 07-05-2024 stated in the column "Remarks" that the appellant "Did not comply with Clause 10 of NIT [Part I/Cover I Other Important Documents (OID) Point 02 Appendix II (power of attorney for signing of bid)]"."

7. Mr. Majumdar further submits that the petitioner initially made a representation on October 8, 2026 and thereafter on October 28, 2026 to the respondents ventilating his grievances. However, it has been submitted that none of the representations has been considered till date.

8. Per contra, Mr. D.N. Ray, learned Government Pleader representing the State, refers to Clauses 18.2, 18.3 and 18.4 of the tender terms and conditions and submits that the Tender Inviting Authority, acting within the four corners of the tender terms and conditions, extended such opportunity to the private respondent. As such, there is no illegality or procedural impropriety on the part of the Tender Inviting Authority.

9. Mr. Bhattacharya, learned Counsel appearing for the private respondent no. 3, also refers to the aforesaid clauses of the tender terms and conditions and further refers to a memo dated July 10, 2023. According to him, no new document has been submitted by his client but only certain clarifications were furnished in connection with his technical bid.

10. The question which falls for consideration before this Court is whether the respondent authority, by directing the private respondent to furnish fresh documents after the opening of the technical bid on October 7, 2026, has extended an undue advantage to the private respondent.

11. It appears that the aforesaid issue, which was raised by the petitioner in his representations, is pending consideration before the respondent authority.

12. Accordingly, the respondent no. 2 is directed to consider the representations dated October 8, 2026 and October 28, 2026 by November 12, 2026 after extending an opportunity of hearing to the petitioner, the private respondent and any

other interested bidder. The respondent no. 2 shall pass a reasoned order by November 16, 2026.

13. The respondents are restrained from proceeding with the tender process till November 16, 2026.
14. The writ petition stands **disposed of**.
15. No order as to costs.

(ARJUN RAY MUKHERJEE, J.)