

03.02.2026
Court No.25
D/L No.27
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 29225 of 2025

**Biswanath Laya
Versus
State of West Bengal & Ors.**

Mr. Pritam Chowdhury
Mr. Dilip Kr. Sadhu

...for the Petitioner

Mr. Amal Kr. Sen, Ld. AAG
Mr. Sabyasachi Mondal

...for the State

1. The petitioner has filed the present writ application challenging the impugned communication issued by the respondent authorities wherein the respondent authorities have rejected the tender of the petitioner on the ground of insufficient credential as per clause 4 under the instruction to bidders of the NIT.
2. Learned counsel for the petitioner has drawn the attention of this Court to clause 4 of the instruction to bidder wherein it is mentioned that (i) any contractor can submit tenders for maximum two number of works in this NIT depending on his credential and financial capacity, (ii) normally separate completion certificates of 100% completed works is required to be submitted for participating in separate works under the particular e-NIT. However, completion certificate for one particular work may be considered for the eligibility for

participation in maximum two numbers of serials of e-NIT, provided requisite credentials for two such works (to be added arithmetically) satisfies that the requirement in all respect out of one such completion certificate.

3. Learned counsel for the petitioner submits that the petitioner has submitted altogether four completion certificates and if these certificates are considered, the petitioner is eligible to participate in the tender process but the respondent authorities have not considered the completion certificates submitted by the petitioner and rejected the request of the petitioner.
4. On the other hand, the learned advocate appearing for the State draws the attention of this Court to the concerned conditions of the tender notice. Clause 4 sub-clause I says that a prospective bidder shall have satisfactorily completed as a prime agency during 3rd November, 2020 to till date at least one work of Construction of Surface Flow Minor Irrigation Scheme, Construction of WDS in any State/Central Government, State/Central Government undertaking/Statutory Bodies constituted under the stature of the Central/State Government and having a magnitude of 40% of the estimated amount put to tender, in a single work order.
5. Learned counsel for the respondent also relied upon clause 4 of the instruction to bidder and submits that

the petitioner has participated in the two works, i.e., serial No. 3 and serial No. 5 of the e-tender notice and the estimated cost of the serial No. 3 is Rs. 67,49,353/- and the amount put in tender put in serial No. 5 is Rs. 78,36,874/- and as such, if 40% of the work of serial No. 3 is to be taken into consideration, it will come to Rs. 26,99,741/- and the 40% of the work of serial No.5 is to be taken into consideration, the same will come to Rs. 31,34,750/- and the total amount of 40% would be Rs. 58,34,491/-. The petitioner has submitted four completion certificate out of which, the first completion certificate is amounting to Rs. 31.84 lakhs, second is Rs.15.52 lakhs, third is Rs. 10.83 lakhs and fourth is Rs. 3.19 lakhs. He submits that none of the work completed by the petitioner is of Rs. 58,34,491/- and as such, the authorities have rejected the tender of the petitioner.

6. Heard the learned counsel for the respective parties.
Perused the materials on record.
7. It is found that as clause 4(i) of instruction to bidder, the completion certificate of 100% completed work is required to be submitted for participating in separate work under the particular NIT, however, the completion certificate for one particular work may be considered as eligibility for participation in maximum two numbers of serials of e-notice provided requisite credentials for two such works (to be added

arithmetically) satisfies the requirement in all respect out of one such completion certificate. In the present case the work appearing at serial No.3 in which the petitioner has participated the estimated amount put to tender is Rs. 67,49,353/- and the estimated amount put to tender with regard to the work of serial No.5 is Rs. 73,36,874/-. If the 40% is taken into consideration with regard to serial No.3 the amount would come Rs. 26,99,741/- and the 40% of the work at serial No.5 is taken into consideration that will come Rs. 31,34,750/-. As per the tender condition, the bidders shall have the satisfactory complete as a prime agency during 3rd November, 2020 till date at least one work of the Construction of Surface Flow Minor Irrigation Scheme, Construction of WDS in any State/Central Government, State/Central Government undertaking/Statutory Bodies constituted under the stature of the Central/State Government and having a magnitude of 40% of the estimated amount put to tender, in a single work order. The estimated amount put to tender with respect of work at serial No.3 is Rs. 67,49,353/- and one of the completion certificate which the petitioner has disclosed in the tender document is Rs. 39,84,000/-, i.e., more than 40% of the tender amount of work mentioned at serial No.3 but the respondent authorities have considered the 40% of the amount of both the works together and

calculated the amount of Rs. 58,34,491/- which is not in accordance with law. As per the terms and conditions of the tender, if one work which the petitioner has participated in the tender is taken into consideration, the petitioner is qualified for one work as the petitioner is having the completion certificate of Rs. 39,84,000/- which is more than 40% of the estimated amount of tender work.

8. The petitioner has submitted a representation to the authorities on 3rd December, 2025 requesting the authorities to consider the request of the petitioner by taking into consideration of one work, i.e. serial No.3. The representation submitted by the petitioner dated 3rd December, 2025 has not been considered by the respondent authorities till date.
9. Thus, this Court is of the view that the petitioner is eligible to participate in the tender with regard to the work at serial No.3 as he is having completion certificate of Rs. 39,84,000/- which is more than the 40% estimated amount put to tender.
10. In view of the above, the impugned notice with respect to the work at serial No.3 which is appearing at page 89 annexure P3 of the writ petition is set aside and quashed and the authorities are directed to allow the petitioner to participate in the tender process with respect to the work at serial No.3 in the e-tender notice.

11. WPA 29225 of 2025 is disposed of.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

13. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)