

Item No.37
11.02.2026
Court. No. 6
(gc)

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 595 of 2025

Rangalal Sarkar
Vs.
The State of West Bengal & Ors.

*Mr. Kamal Krishna Banerjee,
Mr. Satyaki Basu*

...for the Petitioner.

*Mr. Pretom Das,
Mr. Bikash Singha*

...for the State.

1. This writ petition arises out of an order dated February 17, 2025 passed by the Executive Officer, Cooch Behar II, Panchayet Samity, Pundibari, Cooch Behar. By the said order, the petitioner was blacklisted and debarred from participating in any tender under Cooch Behar II Panchayat Samity for two years or earlier, if ordered by any higher authority.
2. The petitioner has challenged the said order on various grounds, including the ground of violation of the principles of natural justice.
3. According to Mr. Banerjee, the said order is unreasoned and adequate opportunity was not granted to the petitioner to submit his case against

such decision of the authority to blacklist the petitioner.

4. Mr. Das, learned Junior Government Advocate submits that the petitioner was granted adequate opportunity to reply to the show-cause notices issued one after the other. The authorities had brought it to the notice of the petitioner that despite several opportunities having been granted, the petitioner had failed to show cause why the work could not be started within the time prescribed in the work order. It is further contended that the petitioner should have done his due diligence before submitting the bid. Instead, the petitioner submitted the bid, got the work and thereafter failed to initiate the work by giving frivolous excuses as to the site not being ready for the work to begin.
5. In the affidavit-in-opposition, documents have been annexed in support of the contention of the respondents that the petitioner failed to execute the work in terms of the notice inviting the tender as also the work order. Having gone through the records, this Court finds that the petitioner was given adequate opportunity to explain as to why the petitioner could not execute the work within the time. I agree with the decision of the authority that the petitioner failed to do his due diligence

before participating in the tender process. The bidders were required to first ascertain the status of the site, prior to submission of their bid. The authorities cannot be faulted for having cancelled the work allotted to the petitioner on account of failure of the petitioner to even start the project.

6. However, in none of the show-cause notices, was the petitioner informed that the authorities would take further steps to debar and blacklist him from participating in any future tenders floated by the Cooch Behar II Panchayat Samity. The debarment was made in violation of the principles of natural justice. The authorities have a right to blacklist contractors who do not execute the work in the mode and manner required by the authority. However, the effect of blacklisting is serious and hampers all future prospects of the contractor. Such order of blacklisting/debarment not only affects the livelihood of the petitioner but also demeans the reputation of the petitioner in the market. This may lead to refusal of bids by other authorities too. Thus, any decision of this nature by the respondents, without granting any opportunity to the petitioner to reply to a proposal of debarment before such order is passed would be contrary to Article 14 of the Constitution of India. Thus, the order of debarment cannot be sustained.

The records reveal that the petitioner has already suffered debarment for a year. Further debarment for another year is set aside.

7. Under such circumstances, the petitioner will not suffer any further debarment and the debarment stands lifted from March 1, 2026.
8. Accordingly, the writ petition is disposed of.
9. The order impugned is modified accordingly.
10. There shall be no order as to costs.
11. The parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)