
(2020) 06 CAL CK 0038

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 5404 (W) Of 2020, Civil Application (CAN) No. 3099 Of 2020

Ghosh Brothers & Anr

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 05-06-2020

Acts Referred:

Citation : (2020) 06 CAL CK 0038

Hon'ble Judges : Ashis Kumar Chakraborty, J

Bench : Single Bench

Advocate : Pradyumna Sinha, Suvam Sinha, Amitesh Banerjee

Final Decision : Disposed Of

Judgement

Ashis Kumar Chakraborty, J

The petitioners have filed this writ petition challenging the decision of the concerned State respondents rejecting their technical bid in connection with the tender submitted by them as mentioned in body of the petition.

On May 19, 2020 when the writ petition was taken up for hearing, a Learned Single Judge of this Court passed an ad interim order restraining the concerned State respondents from finalizing the financial bid which was to follow the process of technical bid.

There were two notices inviting tender issued by the State respondents and the petitioners submitted its tender, including the technical bids in respect of five items altogether.

The learned senior counsel appearing for the State respondents raised objection to the maintainability of the writ petition on the ground of suppression of facts. It was urged that all steps taken by the State respondents in respect of the said tenders are duly reflected of the concerned e-portal. He submitted that in the present case the petitioners' technical bid in respect of five items were rejected

sometime in March, 2020. Thereafter, the financial bids in respect of each of the items were opened on March 30, 2020 and the same were finalized on March 31, 2020. On April 15, 2020 the contracts were awarded to the successful bidders of three items. With regard to the balance two items, contracts were awarded to the successful bidders on May 5, 2020. All these, according to the learned senior counsel appearing for the State respondents are disclosed in the relevant portal and the same were within the knowledge of the writ petition. The petitioners however, appears to have omitted to mention all these facts obtained the order on May 19, 2020.

Learned counsel appearing for the writ petitioners, however, could not dispute that the factum of all decisions of the State respondents as mentioned on behalf of the State respondents are reflected in the e-portal.

Considering the above facts, I find that the decision of the concerned State respondents to finalize the financial bid in respect of each of five items in question was arrived before filing of the writ petition. In fact, the contracts have also been awarded to the respective successful contractors.

In view of the above, I find no reason to extend the interim order on May 19, 2020.

Let the State respondents file the affidavit-in-opposition with three weeks from date, reply thereto if any, be filed within two weeks thereafter.

Liberty is given to the parties to mention the matter before the appropriate Bench after expiry of the aforesaid period.

The contract awarded to the respective contractors shall abide by the result of the writ petition.

In view of the above, the application being CAN 3099 of 2020 stands disposed of.