

06.02.2026
Court No.13
Item No.3
AP

MAT 132 of 2026
With
CAN 1 of 2026
With
CAN 2 of 2026

Shiba Prosad Banerjee & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Saptansu Basu, Senior Advocate
Mr. Swarup Paul
Mr. Surya Maity

.... For the Appellants.

Ms. Rajarshi Basu
Mr. Bikash Goswami

.... For the State.

Re.: CAN 1 of 2026

1. CAN 1 of 2026 has been filed seeking condonation of delay of 140 days.
2. For the reasons stated in the application, the same is allowed. Delay in filing of the appeal is condoned.
3. Accordingly, CAN 1 of 2026 is allowed.

Re. MAT 132 of 2026
With
CAN 2 of 2026

4. The appellants are aggrieved by a temporary supply order issued to one Phatik Chandra Mandal. It is submitted that by an order dated 21st August, 2009 a Single Bench of this Court presided over by Sanjib Banerjee, J. had directed setting up of a broad-based committee for examination of criteria for diet supply to various hospitals in the State.

5. It is submitted by Mr. Saptansu Basu, learned senior counsel for the appellants that no such committee has been formed much less any broad criteria has been formulated by the State.

6. It is further submitted by Mr. Saptansu Basu that another Single Bench of this Court by its order dated 30th January, 2024 had directed that unless the broad-based committee is constituted in criteria that evolved, no tender process can be finalized.

7. Mr. Saptansu Basu submits that having regard to the embargo created by the State itself due to its inaction to comply with the directions of the Single Benches of this Court, the aforesaid temporary arrangement is being indefinitely continued and the State indirectly is using the pick and choose policy for issuance of temporary tenders for supply of diet to hospitals.

8. This Court directs the Secretary, Ministry of Health to submit a report before this Court as to the steps taken for finalization of the criteria as directed by a Single Bench of this Court (Sanjib Banerjee, J.) on 21st August, 2009 and reiterated by another Single Bench of this Court (Sabyasachi Bhattacharyya, J.) on 30th January, 2024.

9. Let such report be filed before this Court on the adjourned date.

10. List this matter on 18th February, 2026.

11. Extension of time for the existing supplier shall abide by the result of the instant appeal.

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

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)