

D/L 32  
06.05.2026  
Sudipta  
ct.no.2

**W.P.A. 10487 of 2026**

**Bivas De  
Versus  
The State of West Bengal & Ors.**

Mr. Prantick Ghosh  
Ms. Poulami Saha

...for the petitioner.

Mr. Amit Kumar Nag  
Mr. Partha Banerjee  
Ms. Rishita Sarkar  
Ms. Barnisha Samanta

...for the respondent No.4 /  
IOCL.

1. Present petition has been filed with the following prayers:-

“(a)A writ of or in the nature of mandamus or like nature be passed directing the state respondent to act in accordance with law;

(b) A writ in the nature of mandamus commending upon the Secretary and the Assistant Secretary of the State Transport Authority. Govt. of WB, Transport Dept. to issue permit variation/ endorsement (countersigned) in respect of the Vehicles bearing Registration No.WB-78B-3987, WB78B3959, WB51C4001 in pursuance of the application made by the petitioner on 29.02.2026, 17.04.2026 and 20.04.2026 with a further direction to forward/ recommend before the state transport authority, Govt. of Sikkim (SNT Division) for issuance of enlistment certificate positively much before the last date for submission of bid of the subject tender.

(c)A writ in the nature of mandamus directing the Secretary and Assistant

Secretary of the State Transport Authority, Govt. of WB to take a favorable decision.

(d) A writ in the nature of mandamus commending upon the transport department, Govt. of Sikkim (SNT Division) to issue enlistment certificate in respect of all the vehicle mentioned as above along with the vehicles bearing Reg. no WB78B3987 and WB78B3959.

(e) A writ in the nature of mandamus or like nature be passed commending upon the tendering authority to exempt the present petitioner from the mandate to upload the said enlistment certificate in question, inasmuch as the said issuing authorities being respondents 2, 3 and 5 are delaying the issuance of the same;

(f) Rule NISI in terms of the prayers (a), (b), (c) and (d), and above and to make the Rule absolute if the respondents failed to show sufficient cause or return

(g) An interim order be passed staying all further proceeding of the subject tender process till disposal of the writ petition.

(h) Pass any other or further order or orders, direction or directions as Your Lordships may deem fit and proper;

(i) Cost of and incidental to this writ application;"

2. Affidavit of service filed.
3. Learned counsel for the petitioner submits that he had made a representation to the Secretary, State Transport Authority, Kolkata, on 17<sup>th</sup> April, 2026, followed by a communication to Assistant Secretary, STA Siliguri, Government of West Bengal on 20<sup>th</sup> April, 2026. Learned counsel submits, however, till date the concerned authorities have not issued the necessary certificate as required under Section 88 of the Motor

Vehicles Act, 1988. Learned counsel submits that in view of the condition as contained in the bid document issued by the respondent no.4 / IOCL, the bid shall not be accepted unless the bidder participating in the tender should upload photocopies of enlistment certificate issued by Government of Sikkim/ Sikkim Nationalised Transport. Learned counsel submits that as per the procedure this enlistment certificate can only be issued by the Sikkim Nationalized Transport after the State Transport Authority, West Bengal issues a permit variation certificate under the Motor Vehicles Act, 1988. Learned counsel submits that petitioner intends to participate in the bidding process and in absence of permit variation issued by the State Transport Authority, West Bengal, the respondent no.4 / IOCL may not accept the tender. Learned counsel has filed affidavit of service and states that all the respondents have duly been served.

4. Learned counsel for the respondent no. 4 submits that the petitioner is to fulfill all the conditions as contended in the bidding documents. Learned counsel submits that

no exception can be made by the IOCL for the petitioner in the bid condition.

5. Presently the peculiar situation has arisen before this Court as on account of change of dispensation, the State of West Bengal is not being represented by the lawyers. The petitioner has made representation to the concerned authorities. However, the authorities have not responded. In case the petitioner is deprived of participating in the bidding process on account of no response of the State Transport Authority, the petitioner may be put to irreparable loss. The Court also agrees with the learned counsel for the respondent no.4 that no exception can be made in the bidding condition.
6. In the circumstances, let a direction be issued to the Secretary, State Transport Authorities, 49 Ganesh Chandra Avenue, Kolkata, to dispose of the representation of the petitioner dated 17<sup>th</sup> April, 2026 on or before 13<sup>th</sup> May, 2026.
7. Let a copy of this order be communicated by email and by hand to the office of the Secretary, State Transport Authority, Kolkata.

8. Let the matter be listed on 18<sup>th</sup> May, 2026 at 10.30 a.m.
9. In the meanwhile, in order to ensure that no prejudice is caused to the petitioner, IOCL is directed to extend the date of bidding till 20<sup>th</sup> May, 2026. IOCL is directed to publish the extension of date on its website. IOCL may issue a corrigendum and publish it through all permissible modes.
10. Parties are permitted to use the server copy of this order.
11. All parties shall act on the basis of the server copy of this duly downloaded from the official website of this Court.

**(Dinesh Kumar Sharma, J.)**