

22.05.2026  
sl.1  
Ct No. 36  
tkm

**WPA 11461 of 2026**

**Ratan Kumar Debnath**  
**Vs**  
**Employees State Insurance Corpn. & Ors.**

Mr. Paritosh Sinha  
Mr. Amitava Mitra  
Ms. Susmita Shaw  
Mr. Naman Agarwal  
Ms. Anusuya Thatoi  
...for the petitioner

Mr. Rajib Ray  
... for respondent nos. 1-3

Mr. Sahasrangshu Bhattacharjee  
Mr. Lokenath Chatterjee  
... for Union of India

1. The petitioner has preferred the present writ petition under Article 226 of the Constitution of India praying for a direction restraining the respondents from issuing any Letter of Intent or Work Order or entering into any contract pursuant to the Financial Bid Evaluation under NIT No. W-11013/76/2025-CONST/1491148 for the Annual Repair Maintenance & Operation (ARMO) of Civil Work of the ESI Hospital & Staff Quarter, Kalyani, for the financial year 2026-27.

2. Learned counsel for the petitioner submits that the petitioner is a proprietorship firm and having four decades of experience in civil construction and maintenance works and had participated earlier in an

open e-tender issued by the respondent-ESIC for the Annual Repair Maintenance & Operation (ARMO) of Civil Work of the ESI Hospital & Staff Quarter, Kalyani, vide NIT No. W-11013/76/2025-CONST/1491148, with an estimated cost of Rs. 1,81,67,092.35. The petitioner had submitted his bid on 13<sup>th</sup> March, 2026 along with all requisite documents and earnest money.

3. The Technical Evaluation Committee Report dated 11<sup>th</sup> May, 2026 discloses that out of three participating bidders only M/s S.D. Construction was found technically qualified. From the uploaded comparative statement, the petitioner came to learn that the candidature of the petitioner had been rejected on the ground that the registration details as contractor were allegedly 'not submitted' by the petitioner. As a consequence, only one bidder namely M/s S.D. Construction was found technically successful and the financial bid of the said sole bidder alone was opened, leaving only a single bid in the bidding process. It is further contended that opening the financial bid of a sole bidder is contrary to the mandatory provisions of the Central Government General Financial Rules (GRR), 2017. The petitioner further contends that although the petitioner had uploaded all requisites documents in terms of clauses 4(1)(ii) and 17 of the NIT, the present tender having been floated as an Open Tender Enquiry

(OTE), the provisions of Section 3.5.1 of the CPWD/ Government of India Works Manual are applicable, which prohibit restriction of participation only to bidders enlisted with the procuring entity. According to the petitioner Clause 4(1)(ii) of the NIT, as applied to disqualify the petitioner, is contrary to the said provision governing open tender enquiry.

4. Learned counsel for the respondents submits that the petitioner's bid was rejected on the ground that the petitioner failed to submit valid registration details as contractor (Civil & Electrical & Mechanical) with CPWDs/State PWDs/MES/Railways/BSNL or any other government body as required under the tender conditions and had only submitted an enlistment certificate. It is further contended that the tender condition required separate certificates relating to both electrical and mechanical works, whereas the petitioner had submitted only one certificate. Such contention does not find place in the comparative statement and appears to be wholly contrary to the records.

5. Having heard the learned counsel for the parties and upon perusal of the materials placed on record this Court is of the prima facie view that the submissions advanced on behalf of the respondents appear to be contrary to the records, since the petitioner had submitted a certificate of registration showing that

the petitioner is duly registered as a Civil and Electrical Contractor with the Military Engineering Services (MES) vide registration no. 8116/DC/E 103/20/E8, as evidenced by the enlistment letter dated 12<sup>th</sup> July, 2005 issued by the Commander Works Engineer (Sub), Barrackpore. The said certificate of registration with the Military Engineering Services dated 12<sup>th</sup> July, 2005 cannot be termed merely as a certificate of enlistment. The respondents have, for the first time during the course of hearing today contended that the tender condition required separate certificates relating to both Electrical and Mechanical Works and that the petitioner had submitted only one certificate. At no point of time was the petitioner informed that the tender had been rejected on account of any alleged deficiency in the documents submitted by the petitioner.

6. This is a matter to be examined by this court. Prima facie it appears that the petitioner's bid has been rejected outright without considering the material fact that a certificate of registration has in fact been placed on record, which cannot merely be termed as a certificate of enlistment.

7. In the aforesaid circumstances, and in order to preserve the subject matter of the writ petition pending further hearing, this court directs the respondent nos. 1-4 not to issue any Letter of Intent, work order, or

execute any contract pursuant to the Financial Bid Evaluation conducted on 11.05.2026 with regard to the allotment of the work under NIT No. W-11013/76/2025-CONST/1491148 relating to the ARMO of Civil Works of the ESI Hospital & Staff Quarter at Kalyani, for a period of six weeks.

8. The respondents are directed to file their affidavit-in-opposition within one week. Reply to the same if any, be filed within one week thereafter.

9. List the matter after three weeks before the Regular Bench.

**(Gaurang Kanth, J.)**