

S/L 12
16.06.2026
Court. No. 25
Sourav

WPA 12465 of 2026

**M/s. Upasana Enterprise
Vs.
Employees State Insurance Corporation & Ors.**

Mr. Sanjay Saha

...for the petitioner.

*Mr. Bodhisatta Biswas
Mr. Ishan Bhattacharya*

...for the respondent nos. 1 to 3.

1. The petitioner has filed the present writ application challenging the order of rejection of the tender on the ground that the petitioner has not filed the certificate and the certificate is not genuine.
2. Learned counsel for the petitioner submits that as per the tender criteria, the contractor has to file the registration details as Contractor (Civil & E &M) with C.P.W.D.s/State P.W.D.s./M.E.S./Railways/BSNL or any other government body with valid year of registration. The petitioner has relied upon the documents appearing in Page Nos. 129 to 133 and submits that the petitioner has disclosed all the documents but the respondent authorities have rejected the tender documents of the petitioner and also intimated the petitioner for initiation of debarment/blacklisting.
3. Learned counsel for the respondents draws the attention of this Court to the Clause 4 of the tender document wherein the eligibility criteria is mentioned which reads as follows:

“4. Eligibility Criteria

1. *The Bidder should have Experience of executing similar works (completed/ongoing) from a*

central/state/CPSU/SPSU/autonomous org. as given below during the last 7 years ending last days of the month previous to the one in which applications are invited either of the following: Three similar completed works each costing not less than 40% of the estimated cost of the tender.

Or

Two similar completed works each costing not less than 60% of the estimated cost of the tender.

Or

One similar completed work of aggregate cost not less than 80% of the estimated cost of the tender.”

4. Learned counsel for the respondents submits that though the petitioner has submitted the said document, the said document does not reflect that during the last seven years ending last day of the month previous to the one, the applicant had any experience with regard to the said work. He further submits that the document which the petitioner has relied upon, is obtained on March 12, 2026 wherein the tender notice was issued on February 23, 2026.
5. Heard the learned counsel for the respective parties. Perused the materials on record.
6. This Court does not find any *prima facie* material to grant any interim stay with regard to the tender process but the respondent authorities are directed not to proceed against the petitioner for blacklisting till the next date of hearing.
7. The respondents are directed to file affidavit-in-opposition within a period of three weeks. Reply, if any, thereto be filed within two weeks thereafter.

8. List this matter on July 29, 2026 under the same heading.

(Krishna Rao, J.)