

10.04.2026
Court No.25
D/L No.7
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 29144 of 2022

**Rupa Enterprises
Versus
State of West Bengal & Ors.**

Mr. Saptangsu Basu, Sr. Adv.
Mr. Swarup Paul
Mr. Surya Maity
Mr. Guru Saday Dutta
Mr. Anish Roy

...for the Petitioner

Mr. Tapan Kumar Mukherjee, Sr. Adv.
Mr. Bipin Ghosh
Mr. Somnath Naskar

...for the State

1. The only grievance of the petitioner in the present writ application is that the respondent authorities have issued the tender notice without compliance with the order passed by the Coordinate Bench of this Court dated August 18, 2009.
2. Learned counsel for the State submits that the petitioner is enjoying the interim order since the year 2022. Due to the interim order passed by this Court, the authorities are not in a position to continue with the tender process.
3. Heard the learned counsel for the respective parties.
In WP No. 11766(W) of 2009 connected with several other writ petitions, the Coordinate Bench of this Court has passed the following order:-

*“A regime put in place in 2002 has not been perfected or even refined seven years down the line....Government is left free to proceed with the memorandum of June 12, 2009 and the tender processes commenced there under..... The obvious arbitrariness reflected in the determination of the rates should be corrected by such appropriate measure, **including the setting up of a more broad-based committee within a period of six months from date which should iron out all the creases before the next annual tender process for the year 2010-11 is commenced.** The arbitrariness apparent in the determination of price can be ignored once to allow the Government the leverage to experiment, particularly when the errors do not appear to be mala fide, it may not be permitted to recur”*

4. In view of the above, the State authorities are directed to immediately constitute a broad-based committee on or before May 12, 2026 and the committee shall take appropriate decision by recommending for rate chart of diet chart for the indoor patients of the Government hospital in the State of West Bengal. Once the committee has recommended the rate of the diet of the indoor patients, the authorities shall prepare the tender notice on the basis of which the tender is to be called for.
5. The respondent authorities shall file the constitution of broad-based committee, recommendation of the

committee and the copy of the tender notice which proposed to be published for the qualified bidder before this Court on or before May 21, 2026 by way of a supplementary affidavit after serving the copy to the learned counsel for the petitioner and the petitioner is at liberty to file exception, if any to the supplementary affidavit filed by the State authorities, by June 9, 2026.

6. Let the matter appear on June 17, 2026 and June 18, 2026 at 2 pm under the same heading.
7. The interim order is extended till June 19, 2026 or until further order, whichever is earlier.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Krishna Rao, J.)