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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 28312 of 2023

Kamal Kundu
Vs.
The State of West Bengal & Ors.

Mr. Kamal Kundu
...petitioner in person

Mr. Tanoy Chakraborty,
Mr. Saptak Sanyal
...for the State

1. Affidavit-of-service filed in Court today be kept on record.
2. The petitioner, appearing in person with leave of Court, submits that there were certain discrepancies in the agreement contemplated in the tender in which the petitioner participated for entering into an agreement for lease regarding certain stalls.
3. The said tender was floated by the Malda Zilla Regulated Market Committee. Subsequently, when the petitioner was offered an agreement, it is alleged by the petitioner that the same did not adhere to the original agreement as contemplated in the tender, for which the petitioner did not agree to enter into such agreement. It is further alleged that the respondent-authorities did not intend to register the agreement, which was also another

sticking point for the petitioner. Thirdly, it is argued that the petitioner was handed over the key to the concerned stall but the petitioner could not commence business therein in view of the agreement having not entered into.

4. Insofar as the Stall No. T-01 is concerned, the petitioner was the highest bidder and the key was handed over.

5. As far as the Stall No. T-45 is concerned, the petitioner contends that the petitioner was the second highest bidder. Since the highest bidder could not deposit the earnest money in time, it is argued that the petitioner ought to have been handed over the said stall as well.

6. At the outset, learned counsel for the respondents takes an objection as to the maintainability of the writ petition. It is argued that the writ petition should be dismissed for non-joinder of the Malda Zilla Regulated Market Committee, which is the tender issuing authority.

7. Apart from that, it also transpires that since the petitioner also intends to challenge the grant of Stall No. T-45 to a third party, the said third party also ought to have been impleaded in the present proceeding.

8. Having not done so, leave is granted to the petitioner to implead the Malda Zilla Regulated

Market Committee and the highest bidder, who was offered Stall No. T-45, as party respondents to the present writ petition.

9. Necessary consequential amendments shall be carried out to the cause title of the present writ petition within a week from date.

10. The petitioner shall, thereafter, serve copies of the writ petition on the added respondents indicating that the matter will be listed in the monthly combined list of cases for the month of February, 2024.

(Sabyasachi Bhattacharyya, J.)